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Security Council

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Provisional

7173rd meeting
Tuesday, 13 May 2014, 10 a.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mrs. Perceval
	Australia	Ms. King
	Chad	Mr. Mangaral
	Chile	Mr. Gálvez
	China	Mr. Cai Weiming
	France	Mr. Araud
	Jordan	Mr. Omaish
	Lithuania	Mrs. Kazragienė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Zagaynov
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mr. Simonoff

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Prosecutor Bensouda.

Ms. Bensouda: It is just over three years since my Office started interacting with the Security Council on Libya following the Council's adoption of resolution 1970 (2011), referring the situation in Libya to the International Criminal Court (ICC). The opportunity to once again engage with the Council as I present the seventh report regarding developments in Libya is welcome, as always.

In March this year, Libya marked the third anniversary of its revolution. We continue to witness the strong determination of the Libyan people to consolidate their freedom and build a modern democratic State that upholds the rule of law and respects human rights. Notwithstanding those aspirations, Libya continues to face serious security challenges and a deep political crisis that undermine its ability to effect much-needed meaningful judicial and other changes. The steady decline in the security situation has hampered my Office's investigative activities and hindered possibilities for effective interaction with the Government of Libya.

Strengthening Libya's ability to assume its security responsibilities remains key to the success of our joint endeavours to bring lasting peace to Libya. Increased, well-coordinated international efforts to provide support to Libya therefore remain essential. Libya should heed the Council's call on all parties to support the democratic transition in Libya, including agreement on its immediate next steps, and to engage in political dialogue and refrain from violence and actions that challenge the stability of the State.

Reports of torture and mistreatment, as well as deaths by torture in illegal detention centres, are worrying. While the number of detainees requiring transfer to proper Government-controlled detention facilities has reportedly dropped from 8,000 to 7,000, the process of transfer of prisoners to State-controlled detention centres has to be speeded up. Illegal detentions and torture should have no place in modern Libya. Those alleged to be responsible for these crimes must be investigated, prosecuted and face the full force of the law. My Office stands ready to work with the Libyan Government to bring this scourge to an end.

The time has also come for the Libyan Government to resolve the Tawergha issue. Steps taken by the Government of Libya, together with the United Nations Support Mission in Libya, to plan a national conference on internal displacement and to organize meetings with the exiled Tawergha Local Council, as well as between the Tawergha Local Council and the Misrata Local Council are very much welcome. The national conference has yet to take place, however, and these efforts have yet to bear fruit. They must be intensified.

It is important for the Government of Libya to bring all relevant stakeholders together to address alleged crimes in Tawergha. The participation of key partners from the international community in these discussions will be a clear message to the Tawerghans and Misratans that the situation of Tawergha is of concern to the international community. This will also bring to bear the resources of the international community to help resolve the situation of Tawergha once and for all.

There is no doubt that Libya needs help to succeed in its aspirations to transition to democracy and the rule of law. Justice is key to lasting peace, and justice should therefore be at the forefront of international efforts to help Libya. The key partners of Libya should seriously consider forming a contact group on justice issues through which material and legal support could be provided regularly to enhance Libya's efforts to bring justice to the victims. The Government of Libya has repeatedly expressed its commitment to meeting its international legal obligations and has sought help in order to do so. That help should be forthcoming as soon as possible.

Individuals alleged to have committed serious crimes in Libya must be brought to justice either in Libya or at the International Criminal Court; this is not negotiable. It is regrettable that progress has been slow in the case of Mr. Abdullah Al-Senussi since the

Chamber's ruling that the case was inadmissible before the ICC and that he should be tried in Libya. We urge the Government of Libya to ensure that the case against him is proceeded with without undue delay and with full respect for his due process rights.

It is even more regrettable and indeed a source of great concern that, despite the Chamber's order for the Government of Libya to surrender Mr. Saif Al-Islam Al-Qadhafi to the custody of the ICC, to date he has not been surrendered to the Court. While the admissibility decision is currently under appeal, Libya still has a positive legal obligation to fully cooperate with the Court and to comply with the Chamber's orders, as the admissibility decision and the order to surrender Mr. Saif Al-Islam Al-Qadhafi are not suspended by the appeal process, as confirmed by the Appeals Chamber in its July 2013 decision. To be absolutely clear, the Government of Libya should immediately surrender Saif Al-Islam Al-Qadhafi to the Court. National judicial proceedings can never be an excuse for failure to comply with the Chamber's order. It is incumbent upon the Government of Libya to fully engage with the judges and to provide assurances that its domestic proceedings against Mr Al-Qadhafi will not impede its obligation to surrender him.

Following the conclusion of the memorandum of understanding on burden-sharing with the Government of Libya last year, on 29 January my Office held fruitful and constructive discussions with Libyan Prosecutor General Abdel Qader Radwan on practical aspects of the implementation of this memorandum of understanding and strategies for further investigations, prosecutions and possible arrests. These discussions will be continued during the next meeting with the Attorney General's investigators, scheduled for 15 May.

The support of the Council and of all States is critical to these joint endeavours to bring to justice, either in Libya or at the ICC, those responsible for serious mass crimes. In particular, and as I have said before, such support is crucial to the colossal task of collecting evidence to untangle the modus operandi of the networks responsible for committing crimes. Among other things, we will require telephone intercepts and sustained follow-up on transfers of funds to establish the whereabouts and movements of persons under investigation. This is all information that we can access only through the assistance of States.

Above all, we hope we can count on the cooperation of States in facilitating the smooth arrest and surrender of those against whom warrants will be issued. This is key to sending a clear message to would-be Libyan perpetrators, and indeed all other would-be perpetrators, that the international community is watching and will no longer allow impunity to reign unchecked. I again stress that the memorandum of understanding is intended to foster cooperation and reinforce both parties' obligations to investigate and prosecute crimes, and that it does not apply to or affect the ongoing judicial proceedings in either the Saif Al-Islam Al-Qadhafi or the Al-Senussi cases.

Let me conclude by encouraging the Government of Libya to be fully transparent about its justice activities. It is my Office's sincere hope that the proposal for establishing a contact group will be followed up as soon as possible. This will send a clear message to the Government of Libya that its key partners intend to follow through on their pledges to support justice initiatives and to support the evolving relationship between the ICC and the Government of Libya.

The President: I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to the members of the Security Council.

Mr. Mangaral (Chad) (*spoke in French*): I take this opportunity to warmly welcome Ms. Fatou Bensouda among us and to thank her for her briefing on the International Criminal Court (ICC) in Libya.

I wish to encourage the member and non-member States of the ICC to cooperate with the Court in the cases involving crimes committed in Libya in 2011. We also thank and encourage the Libyan Government, and more specifically the Prosecutor General of Libya, for their cooperation with th ICC in the framework of the memorandum of understanding signed between the parties on the conduct of investigations and prosecutions.

The report of the ICC Prosecutor notes the commission of serious crimes that have gone unpunished and whose perpetrators have yet to be prosecuted. More than 7,000 individuals have been detained without due process, and the Tawergha community, which seems to have been forcibly displaced, has not yet been able to return home. In those circumstances, the involvement of international and domestic justice is an absolute necessity. We also encourage the ICC to continue its investigations within and outside Libya, both with regard to the Government and militias alike. With

regard to current cases, we take note of the *Abdullah Al-Senussi* case and hope that the ICC will pursue its efforts in a fully transparent and objective manner.

As in all wars, the conflict in Libya has caused thousands of deaths and entailed very serious violations of international humanitarian law and humans rights law. Those responsible for the crimes must answer for their actions. As we know, however, the political and social situation in Libya remains precarious and quite volatile. The ICC and the Government of Libya must bear in mind the need for justice and security. The Council will have to provide the necessary assurances and support for the Libyan Government in resolving the issue surrounding Saif Al-Islam. His country's courts should provide a fair trial, if the conditions allow. Otherwise, the ICC should provide such a trial.

The international community must help Libya to put in place the rule of law, which is a prerequisite for the return of peace and stability.

Mr. Omaish (Jordan) (*spoke in Arabic*): I would like to thank Ms. Fatou Bensouda for her briefing to us this morning and for her presentation to the Security Council of the Prosecutor's seventh report. Jordan underscores the role of the International Criminal Court (ICC) in combating impunity. We reiterate our ongoing support for the efforts of the ICC in that regard.

Successive Libyan Governments since 2011 have pledged to continue to enshrine the principles of the rule of law and accountability for the crimes committed during the conflict. We accept that there continue to be challenges, obstacles and several security problems facing Libya, which could undermine the progress made thus far. We commend the efforts of the Government to cooperate with the Office of the Prosecutor and with the ICC. We welcome references in the seventh report concerning the imminent implementation of the memorandum of understanding signed last year between the Libyan Government and the Office of the Prosecutor with regard to burden-sharing in carrying out additional investigations and trials of suspects outside Libyan territory. We also call on the Government to expedite its conclusion of an agreement with the ICC Registrar with regard to privilages and immunities, so as to facilitate the work of ICC staff.

We are concerned about the slow progress in dealing with the issue of detainees in Libya. We call on the Government to work closely with the United Nations to put an end to the crisis and release detainees against whom there is no evidence for prosecution, as well as to refer to national courts cases of persons against whom there is evidence for trials in line with due process and established legal rules. That will serve to generate confidence in the Libyan judicial system.

With regard to the investigations carried out by the Office of the Prosecutor into the approximately 30,000 persons displaced from Tawergha, we support the conclusion of the Prosecutor's Office that this is a case of forced displacement. In that regard, we commend the efforts of the Libyan Government to hold consultations and meetings with the inhabitants of Tawergha. We hope that the Government will succeed in resolving this situation and ensuring the return of the displaced to their homes.

In conclusion, my delegation would like to reiterate its thanks to Ms. Bensouda for the information she has provided us in the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*.

Mrs. Perceval (Argentina) (*spoke in Spanish*): Argentina wishes to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for introducing her seventh report to the Council as required by resolution 1970 (2011). We also welcome the presence among us of the Permanent Representative of Libya.

The referral of situations to the International Criminal Court attests to the Council's recognition of the Court's role with regard to justice and the fight against impunity for crimes of international concern, as well as of the contribution of the Rome Statute and the International Criminal Court to that end.

Libya faces many challenges in building the institutions of the rule of law. However, the constructive dialogue between the Libyan authorities and the Office of the Prosecutor continues to evolve. Last year, we were informed that the limited contact with the Libyan Government had been overcome, that the Office of the Prosecutor had renewed its contacts with the new Administration following the 2012 elections and that the Prosecutor and the Attorney General of Libya had signed a memorandum of understanding on burden-sharing with regard to future investigations and proceedings, which did not affect the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. Today we have been informed that the Office of the Prosecutor has already begun discussions with Libya in connection with priority suspects and that it will imminently meet

with the Libyan authorities to discuss further details. We encourage the Libyan Government to continue to cooperate with the Court so that it, in turn, can support effective accountability for the crimes committed in Libya.

With regard to the cases of *Saif Al- Islam Al-Qadhafi* and *Abdullah Al-Senussi*, which the Office of the Prosecutor had suspended owing to the admissibility challenge raised by Libya, Argentina has always emphasized that this is about a judicial evaluation that, pursuant to article 17, sub-paragraphs 1 (a) and (c), is solely up to the Chambers of the Court. Argentina hopes that Libya will initiate proceedings against Abdullah Al-Senoussi. With regard to the admissibility challenge pertaining to Saif Al-Islam Al-Qadhafi, the Appeals Chamber has rejected the Libyan request for suspension while the appeal proceeds with regard to the Court's ruling on the admissibility of the claim regarding the request for handing over the defendant. As the Prosecutor has done in her report, Argentina reminds Libya that it has an obligation to surrender Saif Al-Islam Al-Qadhafi to the court. We are aware that there is a trial in Libya against Al-Qadhafi, but Libya must ensure that this trial does not interfere its obligations to the International Criminal Court.

Argentina acknowledges the concern of the Prosecutor at the continuation of the situation described in the report entitled "Torture and death in detention in Libya," published in October 2013 by the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights, to which the Security Council referred in resolution 2144 (2014). Although the Prosecutor points to a decrease in the number of detainees being held without due process, there are still approximately 7,000 detainees who have not been transferred to State custody. The Libyan Government recognizes the problem; however, Argentina urges the central Government and local authorities, in particular in Misrata, to guarantee detainees due process under the transitional justice law and to release all detainees who have not been found guilty or who have served a sentence.

We would also like to reiterate the appeal to Libya to effectively enforce its law criminalizing torture, discrimination and forced disappearances, since we are concerned by the Prosecutor's report that so far it seems that not one State official or militia member has been brought to justice for those crimes. In addition, without prejudicing the assessment of the situation of the civilians displaced in Tawergha as a crime under the Rome Statute, it is essential that a strategy be implemented to ensure the return of the 30,000 displaced people to their homes.

This is another report from the Prosecutor that highlights Libya's willingness to cooperate with the Court. Like the Prosecutor, Argentina fully understands the extent of the challenges facing the Libyan authorities, and commends the Office of the Prosecutor for its willingness to continue to support the Government in its efforts to deal with as many of the cases under its jurisdiction as possible. We also believe, however, that Libya's need for democratic, legitimate legal institutions in the area of the rule of law clearly exceeds the competence of the International Criminal Court. The cooperation of the international community is essential if we are to achieve a secure Libya with reliable, sustainable institutions and respect for its citizens' human rights.

There are some additional aspects that my delegation wishes to emphasize, as we do every time the Prosecutor presents a report to the Council. The referrals that the Council makes — and the situation in Libya is one of them — include an obligation to follow up responsibly on those referrals. Argentina believes that the Council cannot merely take note of these reports and that it is therefore essential that it put into practice the commitment expressed in its presidential statement S/PRST/2013/2, either through the Working Group on International Tribunals or a specific working group dedicated to the ICC.

We would also like to reiterate that Argentina considers the clause that seeks to exempt nationals of States that are not party to the Rome Statute from the Court's jurisdiction to be unacceptable. An exception for nationals of States that are not party to the Statute constitutes an attempt to alter the Statute's provisions and could affect the credibility of the Court and of the Security Council itself.

Another aspect that Argentina finds inexplicable is that the Council has determined that the costs of referrals will be borne not by the United Nations but by States parties to the Statute. Besides the fact that this violates the Rome Statute and the relationship agreement with the Court, the fact of the matter is that pressure on the resources available to the Court has grown with the increasing numbers of its cases. Because of this, making referrals without considering how they are financed could well jeopardize the Prosecution's

activities and the Court's long-term viability. The fight against impunity is a goal not just of States parties to the Rome Statute but of the United Nations, and the two referrals made so far are proof of that. However, that goal must also be backed by a commitment to providing the Court with the resources it needs to fulfil its functions. If the Organization could provide those resources for the two Ad Hoc Tribunals, we do not understand what is preventing it from the doing the same for the ICC.

As we do every time we discuss the International Criminal Court, my delegation would like to emphasize its belief that the Court represents a remarkable contribution to achieving accountability for crimes of international concern, and that it is as essential today as when it was founded. I commend the Prosecutor for her efforts, dedication and courage in our common cause, the fight against impunity, and I once again urge the Government and people of Libya to cooperate with the International Criminal Court.

Mr. Simonoff (United States of America): I would like to begin by thanking Prosecutor Bensouda of the International Criminal Court (ICC) for her informative briefing on Libya, and especially for her contributions to ending impunity for the most serious crimes in Libya.

Three years ago, with the adoption of resolution 1970 (2011), the Security Council called for accountability in Libya. Today, we see real steps towards that at both the international and domestic levels. We welcome reports of collaboration between Libya and the Office of the Prosecutor in connection with ongoing investigations, and we note that they have signed a memorandum of understanding that we hope will facilitate collaboration going forward. Cooperation is key. We know, of course, that the admissibility proceedings in the cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi are ongoing. Those proceedings have presented novel and important questions for both the Court and the Libyan Government. As the proceedings continue in the Libya situation, we continue to urge Libya to cooperate with the ICC and to take steps to ensure that the perpetrators of the worst crimes are held to account.

In addition to the Court's proceedings, we know that Libya still faces many challenges in its efforts to support justice and accountability. The Government can only benefit from continuing to work with the international community to bolster its own domestic capacity in the justice system and to ensure that both high-profile figures from the former regime and the thousands of conflict-related detainees are held only in accordance with the applicable international obligations. All detainees should be promptly transferred to Government-controlled facilities and must be treated humanely. Within the context of a transitional justice strategy, the Libyan authorities may have to prioritize prosecutions focusing on those who bear the greatest responsibility for the crimes.

Beyond prosecutions, we encourage Libya to explore other accountability measures such as those envisioned in its transitional justice law. Additionally, we underscore how important it is that Libya conduct domestic investigations and prosecutions in a manner consistent with its international obligations. Prosecutions that respect the rights of defendants, including those who were members of the former regime, and that provide them with proper guarantees of a fair trial, will also contribute to strengthening public confidence in the judiciary and the rule of law in Libya.

As we look at the bigger picture, the United States remains very concerned about the rising instability in Libya. It threatens to undermine the revolution for which Libyans fought so dearly, and to jeopardize Libya's transition to a democratic and prosperous State in which all Libyans can participate. Together we must be clear about what is at risk. The United States will continue to support Libya in its efforts to guarantee security and protect all its citizens and democratic institutions. We also applaud the seating of Libya's Constitution Drafting Assembly. We remain committed to supporting the Libyan Government and institutions through this difficult phase.

Finally, we look forward to the ongoing work and partnership with the United Nations, Libya and Libya's international partners, and to exploring appropriate ways whereby we can advance critical initiatives for a peaceful democratic transition and vital national reconciliation efforts, including the assistance pledged in Rome at this year's Ministerial Conference on International Support to Libya.

In conclusion, I would like to reiterate our thanks to Prosecutor Bensouda and her Office for the work they have done to advance the cause of justice for the people of Libya.

Ms. King (Australia): I would like to thank the Prosecutor of the International Criminal Court (ICC) for her informative and valuable briefing to the Council

on the work of the Office of the Prosecutor in relation to the situation in Libya.

Australia remains concerned about the volatile political and security situation in Libya. We recognize that delivering effective justice in Libya is dependent on building stability and security in the country, and the recent attacks on Libya's parliament and on political leaders and security personnel are disturbing reminders of the challenges the country faces. National leadership, of course, is critical to addressing the security situation and keeping the political transition on track. We urge the Libyan authorities to continue to support the ongoing constitutional drafting process and rule-of-law reforms, and to continue their close cooperation with the United Nations Support Mission in Libya. Security sector reform is a crucial part of that and must be a priority. As long as militias rather than the State retain physical custody of detainees, as long as witnesses are too scared to testify and as long as judges are threatened, it will be difficult for justice to be delivered in a manner consistent with international standards.

We are concerned about the adoption of amnesty laws that provide revolutionaries with immunity from prosecution. We urge Libya to respect the principles of the equality before the law and to ensure that those believed to be most responsible for the commission of serious international crimes are held to account, regardless of what side they fought on. The Prosecutor has again drawn our attention to the thousands of conflict-related detainees who continue to be held without due process, some of whom have reportedly been subject to torture and other ill treatment. We recognize the progress made, but we recall resolution 2144 (2014) and again urge Libya to ensure that the detainees in question are transferred to effective State control as swiftly as possible, that the basis of their detention is judicially reviewed and that those responsible for arbitrary detention or mistreatment are held to account.

We acknowledge that the challenges facing Libya are considerable. Its judicial system was all but destroyed under the Al-Qadhafi regime. But it is vital that Libya ensure that the rights of all those defendants being tried for serious crimes are upheld in full.

Turning more specifically to the activities of the International Criminal Court, we welcome the fact that Libya has pursued its challenge to the ICC jurisdiction in the *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi* cases in a manner that is consistent with the Rome Statute. We are conscious that Libya remains under a pending obligation to surrender Mr. Al-Qadhafi to the ICC, notwithstanding its appeal of the Pre-Trial Chamber's decision rejecting its admissibility challenge. We also note that the admissibility decision in the *Al-Senussi* case is under appeal. It is essential that Libya do nothing to frustrate ongoing ICC processes, pending the decisions of the Appeals Chamber. We underline the importance of Libya meeting its obligations to cooperate with the Court, including by surrendering defendants in accordance with the ICC decisions.

Australia welcomes the Prosecutor's advice on steps taken to implement the memorandum of understanding concluded between the Office of the Prosecutor and the Libyan Government on burden-sharing in relation to investigations, prosecutions and an arrest strategy. We hope that continued engagement between the ICC and the Libyan authorities will ensure that their respective efforts can have a multiplying effect and serve as a model for a collaborative partnership between the ICC and States that have the will, but perhaps lack the capacity, to hold all key perpetrators to account. We furthermore hope that Libya's insights into the Rome Statute system will encourage it to accede to the Statute.

Noting the Prosecutor's advice that several persons of interest have fled Libya, Australia calls on other Member States, particularly Libya's neighbours, to cooperate with the ICC to ensure that those most responsible for the most serious international crimes committed in Libya are brought to justice.

It is equally essential that the Council continue to offer its support to the ICC and to the Libyan authorities as they take steps to end the impunity that for too long prevailed in the country. The Council must take action in support of the Court when necessary to help Libya achieve justice and lasting stability.

Mr. Laro (Nigeria): I would like to thank the Prosecutor of the International Criminal Court (ICC) for her introduction of the seventh report of her Office to the Security Council pursuant to resolution 1970 (2011). My comments will address the four main issues in the report.

On matters pertaining to cooperation, we note that the Office of the Prosecutor continues to receive cooperation on the Libyan situation from State parties as well as non-State parties with a view to strengthening

the rule of law in Libya. We welcome the engagement of the Libyan Prosecutor General with the ICC Prosecutor and Deputy Prosecutor to discuss the implementation of the memorandum of understanding of 2013 aimed at fostering cooperation in the investigation of grave crimes allegedly committed in Libya. We believe that the support of the Libyan authorities is crucial in facilitating the work of the Prosecutor.

Concerning the case against *Saif Al-Islam Al-Qadhafi*, while we understand the wish of the Libyan authorities to prosecute him within the national justice system, we see the need for Libya's actions in that matter to be consistent with the decisions of the ICC.

With regard to ongoing investigations, we urge the Government of Libya to expedite action on its negotiations with the ICC Registry on matters pertaining to the recognition of the privileges and immunities of ICC staff in order to facilitate the work of the ICC inside Libya.

On the crimes allegedly committed by the different parties in Libya since 15 February 2011, we note with concern that thousands of conflict-related detainees have not yet been transferred to State authority and are being held in violation of their basic human rights. We also note that the Government of Libya missed its own deadline of 2 March 2014 for charging or releasing all detainees. We stress that respecting the human rights of detainees is in itself an important aspect of the dispensation of justice. We therefore endorse the call by the Office of the Prosecutor for the Government of Libya and concerned local authorities, especially in Misrata, to process all detainees as expeditiously as possible.

Mr. Araud (France) (*spoke in French*): I would like to thank the Prosecutor for her briefing. I would also like to reaffirm our full support to the International Criminal Court.

There are times in the history of international relations in which unity may be achieved to prevent or put an end to those atrocities, addressed in the terms of the Rome Statute, that offend the conscience of humankind. The announcement in February 2011, by the Libyan regime itself, that it was preparing to commit a bloodbath sparked such unity and the adoption of resolution 1970 (2011), which was a moment of unity in the Security Council. We have known other such moments with the adoption of resolutions on the Central African Republic, and the same issue arises today with regard to Syria.

The United Nations and regional organizations together condemned the brutal abuses committed by Libyan leaders. The International Criminal Court has been at the heart of the process of rounding up criminals, whatever their rank or affiliation.

When we take stock of the implementation of resolution 1970 (2011), there is a question that by its very nature remains unanswered: How many lives were saved? Without doubt, there were thousands, and history must give credit to the unanimity of the Security Council, the United Nations and the International Criminal Court.

Have we solved everything so far? Certainly not. Libya is going through a transition with its difficulties and uncertainties following 40 years of a mad dictatorship. Violent acts continue, including against diplomatic missions. But despite the catastrophic legacy of Al-Qadhafi-ism, Libyans demonstrate determination. They must continue to unite around a common political project to complete the transition to democracy. We wouldl ike to see a Government of national unity formed quickly by the elected Prime Minister, Mr. Ahmed Meitig. The Council has mobilized to assist Libya, and we must continue that mobilization.

The cooperation of Libya with the International Criminal Court is crucial to end the era of impunity in that country, which in 2011 emerged from 42 years of dictatorship. Despite its difficulties, Libya itself has requested to try Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, in accordance with the complementarity principle of the Rome Statute. The Libyan authorities have thus expressed their willingness to assume responsibility. Tripoli's two inadmissibility challenges are at the appeal stage, and I will therefore not comment on them.

Whatever the decision of the Court may be, Libya, pursuant to resolution 1970 (2011), must comply with the judges' decisions. Libya's compliance with its international obligations will be a further demonstration of its commitment to the rule of law. There is no competition between national justice and the International Criminal Court, either in Libya or elsewhere. Libya has clear obligations under resolution 1970 (2011). It has committed to respecting them, and it must do so. For other procedures, as Ms. Bensouda recalled, the signing of the burden-sharing memorandum

of understanding between the Court and the Libyan authorities represents an innovative and positive approach. The memorandum must be implemented.

Beyond those symbolic cases, other challenges exist. The Prosecutor mentioned allegations of crimes committed by supporters of Al-Qadhafi who may today reside outside of Libyan territory and pose a threat to the new Libyan authorities. She can be assured of our support in that regard.

Light must also be shed on allegations of crimes such as those reportedly committed in Misrata, Tawergha and in Bani Walid. We regret that the return of communities in Tawergha to their villages has been delayed.

We also express our deep concern about the practice of torture and deaths in the illegal detention centres controlled by armed brigades. About 7,000 cases remain, including children. Those practices must end. Like the Prosecutor, we encourage the Libyan authorities to implement the law adopted in April 2013 criminalizing torture, forced disappearance and discrimination. The armed groups must be reminded that the fight against impunity applies to all.

The task today is to follow up that approach, including beyond the case of Libya. The continuing process also calls for Libya's full cooperation with the Court, as well as the increased responsibility on the part of the Secretariat and the United Nations Support Mission in Libya in terms of the activities of the Court's bodies, so as to ensure that this Mission effectively supports the fight against impunity.

We must also again restore unity in the Council so as to save human lives today in Syria, far beyond the political wrangling and in the name of humanity's conscience, which animated the Council on 26 February 2011 (see S/PV.6491).

Mr. Cai Weiming (China) (*spoke in Chinese*): I thank Ms. Bensouda for her briefing.

At present, the National Assembly and interim Government are committed to Libya's political transition and economic reconstruction, where progress has been registered. The recent successful election put in place the new Prime Minister of the interim Government. At the same time, the political situation remains unstable, conomic recovery is sluggish, the security situation remains fragile and violence continues unabated. On the whole, the situation is increasingly worrisome.

China respects the will and choice of the Libyan people. We hope that all of the Libyan parties will bear in mind the interests of the country and its people in resolving their differences through political dialogue and address the various challenges of the transition period, in order to achieve long-term security and stability. China welcomes the interim Government's efforts to achieve justice.

On the question of international judicial organs, China's position remains unchanged. We are of the view that the international judicial organs should fully respect the judicial sovereignty of the countries concerned and abide by the norms of international relations. In exercising jurisdiction, they must comply with the principle of complementarity and cannot replace the role played by national judicial systems. It is China's hope that the international judicial organs will act in accordance with the relevant Council resolutions and facilitate Libya's reconstruction and political transition.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): I would like to start by thanking you, Mr. President, for having convened today's meeting and to express my gratitude to the Prosecutor for her participation. My delegation has familiarized itself with the seventh report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the situation in Libya. We would like to take this opportunity to draw the Council's attention to the benefit of the early circulation of future reports, so as to ensure a more thorough analysis of the contents before consideration by the Council.

In our view, the overall situation in Libya continues to deteriorate rapidly. Moreover, that comment applies not only to the judicial system. Essentially, the Government does not control the situation throughout the majority of the country, where former revolutionary brigades and anarchy reign. There are increasing reports of armed clashes among groups and attacks on representatives of the armed forces and their infrastructure, political activists, foreigners and diplomats. The overall situation in terms of criminal activity is deteriorating. The country has morphed into a dangerous source for the proliferation of arms, which are falling into the hands of terrorists and extremists.

The most recent report of the Secretary-General (S/2014/131) expresses his serious concerns regarding the safety of judicial personnel. It also notes the continuing practice of attacks, death threats and other

forms of intimidation against judges and prosecutors and contains information regarding their killings. In resolution 2144 (2014) the Council expressed its serious concern regarding the lack of an appropriate judicial process in conflict-related cases and reports of human rights violations in detention centres, including torture and sexual and gender-based violence.

We back efforts aimed at holding to account those individuals involved in committing serious crimes in Libya. The ability of the ICC to carry out effective and impartial investigations of country situations referred to it is highly important in terms of strengthening its standing and the trust it inspires. Despite that, it is unfortunate that there has been no major progress in that area.

We have taken note of the information regarding the admissibility of the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. Clearly, that issue must be resolved by the Court's Chambers as it falls within their jurisdiction.

At the same time, while mindful of the assessment of Libya's political situation I have just referred to, we consider unclear the logic of the conclusion that Libya is capable of conducting proceedings in the case of *Abdullah Al-Senussi*. That is especially so given that, as the Pre-Trial Chamber itself has noted, there is a lack of counsel in the case, serious security-related difficulties, a lack of a witness protection programme, difficulties in controlling penal facilities and other factors. We look forward to detailed clarification of future appeals rulings in those cases.

As it is clear from both the recent and previous reports of the Prosecutor, the Registry's work is focused exclusively on the former supporters of Muammar Al-Qadhafi. In terms of the actions of insurgents during the conflict, the report again contains standard formulas and expressions of general concern. There is no mention of concrete steps to be taken regarding the continuing practices of torture and harsh treatment in the detention centres.

With respect to civilian victims of NATO bombings that exceeded the parameters of permissible action under resolution 1973 (2011) and its objectives, the Prosecutor of the ICC has in effect withdrawn herself from that investigation. We believe that approach is not equitable and hold out the hope that it will be corrected.

To achieve the objectives of establishing the truth, combating lawlessness and achieving the national reconciliation of any country, there is always an overriding need for impartial and equal attention to be paid to all sides of a conflict; without which it is unlikely that international criminal justice will find itself in demand by Governments.

Mrs. Kazragienė (Lithuania): Let me begin by thanking Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing and for introducing the seventh report to the Security Council.

Lithuania welcomes the efforts undertaken by the Government of Libya in establishing the rule of law and bolstering an effective system of justice throughout the country. Some progress has been made, yet Libya continues to face complex and serious political, security and legal challenges. Despite some positive developments, the system of criminal justice is not yet fully functional and the security sector requires major reform.

We believe that the International Criminal Court is an important and necessary partner of the Libyan authorities in restoring the rule of law and ensuring accountability for the serious crimes committed in Libya. Since the adoption of resolution 1970 (2011), the Libyan Government has continued to demonstrate its determination to cooperate with the Court. However, with regard to the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*, we would like to stress that admissibility is a judicial issue under the exclusive purview of the Chambers of the Court. While both admissibility decisions remain under appeal, we would like to remind Libya, as the Prosecutor has states in her report, that Libya has an obligation to surrender Saif Al-Islam Al-Qadhafi to the Court. The obligation to surrender to the Court the persons against whom arrest warrants have been issued must be respected.

At the same time, we welcome the cooperation between the Libyan authorities and the Office of the Prosecutor in implementing last year's memorandum of understanding on burde -sharing in further investigations and prosecutions of persons allegedly responsible for war crimes and crimes against humanity in Libya since 15 February 2011.

We note the information provided by the Prosecutor concerning the ongoing investigations by her Office of the allegations of crimes committed by some pro-Al-Qadhafi officials who currently might be outside of Libya. We join the Prosecutor in encouraging the Libyan Government to provide all the necessary

support to the staff of the Court so they can conduct investigations promptly and in an unimpeded manner.

Moreover, we believe that the situation of conflict-related detainees remains a major concern that needs an urgent solution. We take note of the fact that, despite some progress made, the deadline set by the Libyan law on transitional justice for completing the screening of detainees has expired and, in conjunction with security issues and capacity constrains, 7,000 people have not yet been transferred to the State authority. Public prosecution can hardly cope with the problem. Such a lack of effective accountability creates an environment conducive to torture or other ill treatment, including the deaths of individuals in custody. Therefore, we would like to stress the importance of the proper implementation of the law on transitional justice as a basis for the reconciliation process.

Let me conclude by underlining our support for, and commitment to the Court and the Office of the Prosecutor. We hope that they will successfully continue their thorough investigation of the situation in Libya.

Ms. Lucas (Luxembourg) (*spoke in French*): I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for introducing her seventh report under resolution 1970 (2011). Luxembourg fully supports the objectives that the Prosecutor has presented. I reiterate to her our full support.

After 40 years of dictatorship, building a democratic nation in Libya will be a lengthy process. The Libyan authorities have reiterated their commitment to continuing to democratize the country. We welcome the progress made during the transition. We also remain aware of the enormous challenges that persist, in particular in terms of security.

Ultimately, it is the Libyan authorities who will have to ensure respect for the rule of law in their country. We call on the authorities to redouble their efforts to create a stable security environment that guarantees freedom, justice and respect for individual rights. For its part, the international community must continue to help Libya in this crucial phase of transition.

We congratulate the Libyan Government on the constructive engagement that it has maintained with the ICC. Despite its difficulties, Libya has asked to try Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi itself. It is to the Libyan authorities' credit that they want to shoulder their responsibilities. They complied with the Rome Statute procedures when they raised objections to admissibility before the Court. However, a trial before Libyan courts must not obstruct the proceedings of the Court. We have no doubt that Libya, in accordance with resolution 1970 (2011), will respect the final decision of the ICC in the case of *Saif Al-Islam Al-Qadhafi*. Meanwhile, Libya's compliance with its international obligations requires it to deliver the accused to the Court.

Six months ago, we welcomed the memorandum of understanding signed between the Libyan authorities and the Office of the Prosecutor of the ICC to promote cooperation and burden-sharing in terms of investigations and prosecutions. Today, we commend the first contacts that took place between the Office and the Prosecutor General of Libya on how to implement the memorandum of understanding. Ms. Bensouda has stated that she is continuing her investigation into the alleged crimes committed in Libya by Colonel Al-Qadhafi's relatives who may be outside Libya and may pose a threat to the new authorities. We fully support her in that task.

The Prosecutor's report notes progress on the subject of people detained as a result of the conflict. However, approximately 7,000 people are still being held by armed brigades without proper trial. Many of those prisoners have been subjected to torture and other ill treatment. We call on Libya to ensure that detainees are under the effective control of the State, in accordance with the recommendations of the United Nations Support Mission in Libya and the United Nations Office of the High Commissioner for Human Rights. We also urge Libya to ensure that those responsible for that ill treatment or other crimes, such as enforced disappearances, answer for their acts in accordance with the law criminalizing torture, enforced disappearances and discrimination that was adopted in April 2013.

More broadly, we encourage the Government of Libya to develop and implement a comprehensive strategy to put an end to crimes and impunity in Libya and that it accept help, when needed, from its main partners. The Court and the Council should be informed of progress in that area.

Finally, it is crucial that the Libyan Government conclude negotiations as soon as possible with the Court's Registry on the recognition of the privileges and immunities of the Court's personnel in Libya. Aside from the security challenges, in order for the

ICC investigations to be effective, the staff of the Court and the Office of the Prosecutor must be able to work without hindrance or restriction of any kind.

In referring the situation in Libya to the Prosecutor of the ICC, resolution 1970 (2011) demonstrated the ability of the Security Council to act in unison and quickly to fight against impunity. We must now ensure the process is carefully monitored. The support of the Council is vital for the Court, especially as the jurisdiction of the Court stems from a Council resolution. More generally, constant and active support by the Security Council to the ICC is required in order to encourage States to cooperate with the Court and to ensure that Court referrals achieve their goal, namely, delivering justice and maintaining international peace and security.

Mr. Gálvez (Chile) (*spoke in Spanish*): We appreciate the convening of this meeting and welcome the presence of the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda. We also welcome her introduction of her seventh report to the Council.

Chile recognizes the complex security situation in Libya and the need to continue the work in support of institutions that respect the rule of law and human rights while allowing Libya to comply with its obligation to cooperate with the Court and its Prosecutor, in accordance with the provisions of resolution 1970 (2011). We reiterate our country's support to the International Criminal Court and the work of its Prosecutor. Its establishment was a major step in the fight against impunity.

We underscore the work of the Council and its essential role in the case of Libya. The adoption of resolution 1970 (2011), under Chapter VII of the Charter of the United Nations, makes it possible for the jurisdiction of the International Criminal Court to extend to a State that is not party to the Rome Statute, in this case Libya, just as it binds all States Members of the Organization, whether party or not to the Statute. We acknowledge the cooperation of both categories of States with the International Criminal Court and Libya in that regard.

Furthermore, Chile stresses that the responsibility of the Council should not be understood as coming to an end simply with the referral of a situation to the Court. The Council should maintain the dialogue with the Court and the Prosecutor and respond to their requests. The Council's silence in response to such requests would imply a lack of responsibility. That is why Chile supports the establishment of an effective follow-up by the Council.

We welcome the signing late last year of the memorandum of understanding between the Office of the Prosecutor and the Libyan Government and the contacts made this year with the Prosecutor General of Libya in order to implement the memorandum. Coordinated work, in which the tasks of the investigation, legal processes and arrest procedures are shared, will make it possible to duly comply with resolution 1970 (2011) and to establish the basis for a national reconciliation process.

With regard to the detainees in the custody of armed brigades, we are concerned that the self-imposed deadline of 2 March, set by the Government of Libya to put an end to the situation, has not been met. The fact that there are approximately 7,000 detainees while the Libyan State is not in control of the situation, leaving them defenceless without charges brought against them, violates their most basic human rights. We therefore reiterate the appeal made in resolution 2144 (2014), which renews the mandate of the United Nations Support Mission in Libya, for all such individuals to be transferred to State custody.

Chile underscores the fact that last year Libya adopted legislation that provides for the prosecution of torture, ill treament and discrimination. However, we regret the fact that, according the report of the Prosecutor, to date there have been no reported prosecutions of the alleged perpetrators of the crimes of torture and abuse, including sexual and gender-based violence and deaths as a result of the torture that continues to occur in detention centres in that country. My country underscores the importance of the Libyan Government moving forward and sharing with the Council and the international community its national policy for responding to such crimes. That would allow us to reaffirm and recognize Libya's commitment to a modern justice system in accordance with international standards, while determining those areas or needs to which cooperation should be dedicated in order to reform the security sector in Libya.

We recognize the work of the Prosecutor of the International Criminal Court in investigating crimes committed since February 2011. We urge her to continue in that vein in order to ensure that perpetrators of crimes, regardless of their origin, including those

responsible for crimes committed against minorities, shall be brought to justice before the International Criminal Court or in Libyan courts, in accordance with the principle of complementarity established under the Rome Statute. As a result, we call on the Libyan authorities to comply with their obligation to transfer Saif Al-Islam Al-Qadhafi to the International Criminal Court without further delay. Similarly , in the case against Abdullah Al-Senussi, we appeal to the Libyan authorities to refrain from any action that could impede the Court from reconsidering the case if the inadmissibility appeal were to be overturned by the International Criminal Court when it decides.

I conclude by reiterating my country's support for and commitment to the work of the International Criminal Court and the Prosecutor.

Mr. Nduhungirehe (Rwanda): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing and for presenting the seventh report on the activities of her Office and on the implementation of resolution 1970 (2011) on Libya. We agree with her statement that accountability for the most serious crimes committed in Libya is not negotiable.

The precarious political and social context in which Libya was left following the revolution reminds us of all the difficulties that the Government still faces in rebuilding its institutions. Only recently, on 28 April, the Security Council, under the presidency of Nigeria, organized a debate on security sector reform (see S/PV. 7161), at which many of us emphasized the link between security sector reform and the rule of law and how security sector reform should be an integral part of any overall national strategy, which requires the concerted commitment of the national authorities, as well as the sustained engagement of international partners. That is an important element that should be emphasized as, with security in place, it is easy to sustain the progress gained in other sectors — in this case, the judicial sector. We therefore acknowledge the progress that Libya has made in rebuilding its judicial institutions and in establishing mechanisms to address the crimes against humanity committed during the revolution.

Libya continues to face serious challenges in the consolidation of its democratic system. The best way for the international community to assist Libya in overcoming such challenges is by strengthening the capacity of Libyan institutions. Both the judicial and security institutions need to be supported to enhance their capacity and effectiveness.

We therefore note Libya's commitment as a State party to the Rome Statute to fulfilling its international obligations by cooperating with the Court. We regret the fact that the continued deterioration of the security situation in Libya was an impediment to the ICC's investigation of crimes committed during the armed conflict. At the same time, we believe that the complementarity clause is of paramount importance in the sense that the international community should rather develop the capacity of Libya's security and judicial institutions, which can better address such cases. The agreement on the memorandum of understanding on burden-sharing, signed at the end of last year between the Office of the Prosecutor and the Libyan Government, could serve as a good base.

The fact that Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi have appeared before Libyan courts to face the charges brought against them indicates that Libya remains able and willing to uphold its duty in line with the complementarity clause of the Rome Statute. It is important that the Government of Libya continue to do its part in ensuring that all perpetrators of crimes committed during the armed conflict be brought to justice. That involves ensuring that investigations into the alleged crimes by all parties to the conflict, including torture and illegal detention facilities, and the alleged crimes in Tawergha are conducted. We encourage the international community and the Government of Libya to work together in ensuring that justice is rendered. In that regard, we welcome the collaboration of the Niger in extraditing to Libya Saif Al-Qadhafi, who faces charges of crimes against humanity.

Lastly, while we recognize the important contribution of international justice mechanisms to fighting impunity for the most serious crimes, we note from our own experience that national judicial institutions have proved to be effective in reconciling people and in addressing crimes against humanity and mass atrocities. Fundamentally, we all stand ready to accompany Libya as it strives, on the basis of international standards, to rebuild its institutions, which should ultimately be accountable to the Libyans themselves.

The international community should therefore extend its support in strengthening the Libyan judicial system by providing technical capacity, which will ultimately be essential to address the crimes committed in Libya and for the reconciliation process. We stress that accountability is a necessary foundation for

a unified and reconciled society committed to the development of all its citizens and shall therefore not be negotiable.

Mr. McKell (United Kingdom): I too thank the Prosecutor for her report and briefing on the situation in Libya.

The United Kingdom is concerned about the continued deterioration in security and political stability, which continues to hamper overall progress towards a secure, stable and prosperous Libya. Libya is now at a critical stage in its transition. It is essential that Libyans work towards agreement on a single and inclusive national dialogue process and refrain from destabilizing action that would further set back the political transition.

While the substance of any settlement must be worked out by the Libyans themselves, the United Kingdom is committed to working with Libya and its international partners to encourage and support a stable political agreement which can deliver the transition to a more permanent democratic State. Helping the Libyan Government to address its security challenges remains our immediate priority, but supporting progress towards a stable political settlement in Libya will require broad and sustained engagement beyond security, including in the areas of justice and the rule of law.

The United Kingdom welcomes the continuing efforts to ensure that all those who have committed war crimes and crimes against humanity since 15 February 2011 are held to account for their actions. There must be no impunity for the perpetrators of those atrocities. We welcome the ongoing dialogue between Libya and the International Criminal Court (ICC), and in particular the agreement by Libya to support the Prosecutor's continuing investigations. We encourage the Government of Libya to conclude its negotiations with the Registry on recognizing the privileges and immunities of Court staff.

The United Kingdom is grateful for the update from the Prosecutor on the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. We continue to support the right of Libya to hold national trials for crimes committed within its jurisdiction. It is important that any action taken be in line with the decisions of the International Criminal Court. It is imperative that all detainees be held in accordance with Libyan and international law, by a legitimate authority and that they have access to legal representation and medical care. The treatment and management of high profile detainees from the Al-Qadhafi regime provides Libya with an important opportunity to demonstrate to the international community that it is committed to ensuring fair trials, to meeting international standards and the protection of human rights, and to cooperating fully with the International Criminal Court.

The United Kingdom continues to urge Libya's full cooperation with the International Criminal Court. We recall Libya's obligation to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to resolution 1970 (2011). The United Kingdom notes that in July 2013 the ICC Appeals Chamber rejected Libya's request to suspend the surrender of Saif Al-Islam Al-Qadhafi while its appeal was pending. Libya is under an obligation to surrender him to the Court.

The United Kingdom stands with Libya as it works to return to and strengthen the rule of law throughout the country. We look forward to future cooperation between Libya and the International Criminal Court. The United Kingdom remains ready and willing to assist the Court with its investigations as it plays its part in ensuring that individual perpetrators of atrocities are held to account for the crimes they have committed.

The President: I shall now make a statement in my capacity as the representative of the Republic of Korea.

My delegation thanks Ms. Bensouda for her briefing. As always, her and her staff's valuable work has become an indispensable part of the efforts to put an end to impunity for those who committed heinous crimes against humanity. In dealing with the Libyan situation, the International Criminal Court (ICC) has made meaningful achievements. In the process the Libyan Government has been cooperative with the ICC, although the situation on the ground has not always been ideal for such cooperation. We appreciate that cooperation on the part of the Libyan Government and commend the follow-up consultation between the ICC and the Libyan Government on the burden-sharing memorandum of understanding. Such efforts should continue.

Processing the remaining detainees as swiftly as possible will be another step in the right direction. Addressing the issue of the internally displaced persons will also contribute to the progress of the national reconciliation and the transition process.

With regard to the case against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, we hope that a workable solution that meets Libya's international obligations and its domestic expectations can be found through continued interactions between the Prosecutor and the Libyan Government.

Today's briefing makes it clear once again that cooperation between the Libyan Government and the ICC is what separates the Libyan situation from the other cases referred by the Council. We hope that this cooperation will continue until the situation is addressed to the satisfaction of the Libyan people and the international community.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): Allow me at the outset to congratulate your delegation, Mr. President, on assuming the presidency of the Council for this month, and to wish you and your delegation every success. I also wish to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her comprehensive briefing.

Following the fall of the dictatorship in Libya on 20 October 2011, successive Libyan Governments have declared their commitment to establishing justice and fighting impunity and their determination to work to ensure respect for human rights and fundamental freedoms. Although Libya is not a party to the Rome Statute, it has voluntarily chosen to work with the ICC. It has requested assistance from the United Nations in the field of capacity-building, security sector reform and reform of the judiciary in order to implement the stated policies and to fully break with the practices of the previous regime.

Libya has established genuine partnerships with the International Criminal Court and the Human Rights Council. Those partnerships are best illustrated by the memorandum of understanding that was signed in 2013 by the Libyan Prosecutor General and the Prosecutor of the International Criminal Court, and by Human Rights Council resolution 25/37, of 28 March 2014, concerning the provision of technical assistance for Libya. The memorandum of understanding signed with the ICC is based on the realization of positive complementarity between the Libyan judiciary and the ICC through burden-sharing in regard to further investigations and prosecutions of the perpetrators of serious crimes to bring them before the courts of justice. It is expected that both parties will agree on the political measures to implement the memorandum of understanding during the expected visit of the Prosecutor General to Libya. It is worth noting that the Registrar of the Court and Libyan representatives are now communicating on drawing up a final agreement on the privileges and immunities of ICC personnel in Libya.

Within the context of efforts to improve the situation of detainees, the Minister of Justice has conducted a census of all those detainees in rehabilitative institutions, who number 6,186, including 646 who have been tried and are currently serving their sentences. Libya's judicial authorities are doing their best to expedite the trials of the remaining detainees, but they are meeting with serious challenges in getting this done at a rate they would like. In order to deal with some of those challenges, on 26 March our National Congress enacted a law amending the criminal procedural code so as to enable courts, in cases where there may be fear for the safety of the accused or that the accused may escape, to use modern communications technology to connect the accused to the courtroom by video link. These procedures can also be applied with respect to witnesses, experts, prosecutors and those responsible for civil rights if the conditions are suitable to the court.

This amendment to criminal procedure has enabled the Tripoli Court of Appeals to use a video link to conduct open trials of 31 officials from the former regime, including Saif Al-Islam Al-Qadhafi, Abdullah Al-Senussi and Al-Baghdadi Al-Mahmoudi. The trials were broadcast on several TV channels from the chambers of the courts of appeals in three cities, Tripoli, Misrata and Zintan, since 22 of the accused were in Tripoli, eight in Misrata and one — Saif Al-Islam Al-Qadhafi — in Zintan. In commitment to the principle of transparency, the proceedings were attended by representatives of the United Nations Support Mission in Libya, representatives from human rights and civil society organizations, and mass media correspondents. In an effort to provide all those on trial with due process and the right to a defence, the lawyers' association recruited the lawyer Samiha Al-Kasseh to defend Mr. Al-Qadhafi, and she has begun her defence before the Court. The Court allowed Al-Senussi to hire his own private counsel to defend him after his previous lawyer declined to continue. Libya's judicial authorities hope that the ICC will recognize their

jurisdiction in the case and their right to try Mr. Saif Al-Islam Al-Qadhafi, and that it will affirm their right to try Mr. Al-Senussi as well.

The Security Council is no doubt aware of the complicated internal situation in Libya and of the difficulties and challenges the Libyan authorities are facing during this transitional period. Nonetheless, the process of transition to democracy is making progress, albeit slowly. But Libya is determined to succeed, and indeed it has no option but to succeed, even if that takes some time, particularly since all the conditions for eventual success are there. The international community should not doubt the Libyan people's ability to get through this critical stage successfully, and it should not hesitate to provide assistance whenever the Libyan authorities need it.

I am very happy that today all the members of the Council have reaffirmed the importance of ensuring that the international community continues to assist Libya. I would like to assure the Council that the Libyan authorities are committed to pursuing accountability for every crime, to fighting impunity, to achieving justice for the victims, and to protecting their citizens and all who live in our country. They are working to develop a comprehensive, integrated strategy for bringing to trial every perpetrator of a crime and all those who have violated human rights in Libya since 15 February 2011, regardless of the identities of the perpetrators or the victims. The transitional justice mechanisms stipulated in the transitional justice law will constitute a principal component of that strategy, which, in the final analysis, seeks not only to see justice done but also to achieve national reconciliation, as well as to end disputes and to return the half-million or so refugees and displaced persons to their homes. The situation of the inhabitants of the Tawergha region is certainly one of the priorities of those efforts.

The Government of Libya is working to establish a balance between achieving justice and maintaining a secure political process. It seeks to prevent disagreements in political situations between the authorities and other political actors that could affect judicial proceedings, destabilize security and put more obstacles in the way of the democratic transition.

In conclusion, I would like to commend the cooperation between the Office of the Prosecutor of the ICC, under the leadership of Ms. Fatou Bensouda, and the Office of Libya's Prosecutor-General. I am confident that justice and our international obligations will never be abandoned, given the cooperation that exists between them both.

I also wish to take this opportunity to reiterate our deep gratitude to the members of the Security Council for their support to the Lybian authorities at this critical juncture in my country's history. The Libyan people hope to receive more support and urge all Member States to respect the Security Council's resolutions on Libya, assist the Libyan authorities to prosecute all those responsible for committing crimes in Libya, and transfer the perpetrators to the Libyan judicial authorities. They should also investigate the finances of all persons whose funds or assets have been frozen, pursuant to the resolution 1970 (2011), and to report their findings to the Council so that the necessary measures can be taken to repatriate those assets to the Libyan people.

I wish to thank the Republic of the Niger for extraditing Mr. Saadi Al-Qadhafi and Mr. Abdullah Mansour to the Libyan authorities. We hope that all countries will pursue steps similar to those taken by the Niger to extradite all those sought by the justice system in Libya.

The President: There are no more names inscribed on the list of speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.

United Nations S/PV.7174

Security Council

Sixty-ninth year

Provisional

7174th meeting
Wednesday, 14 May 2014, 10 a.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mr. De Antueno
	Australia	Ms. King
	Chad	Mr. Mangaral
	Chile	Ms. Sapag Muñoz de la Peña
	China	Mr. Zhao Yong
	France	Mr. Araud
	Jordan	Prince Zeid Ra'ad Zeid Al-Hussein
	Lithuania	Mrs. Kazragiene
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Iliichev
	Rwanda	Mr. Gasana
	United Kingdom of Great Britain and Northern Ireland	Mr. Shearman
	United States of America	Ms. Power

Agenda

The situation in Burundi

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14-01613 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Burundi to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Edouard Nduwimana, Minister of the Interior of Burundi, who is joining today's meeting via video-teleconference from Bujumbura.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Parfait Onanga-Anyanga, Special Representative of the Secretary-General and Head of the United Nations Office in Burundi, to participate in this meeting.

On behalf of the Council, I welcome Mr. Onanga-Anyanga, who is also joining today's meeting via video-teleconference from Bujumbura.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Paul Seger, Permanent Representative of Switzerland and Chair of the Burundi configuration of the Peacebuilding Commission, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda

I give the floor to Mr. Onanga-Anyanga.

Mr. Onanga-Anyanga: It gives me pleasure, Sir, to see you presiding over the Council for the month of May. Congratulations to you and your country, the Republic of Korea.

I am here today with His Excellency Mr. Edouard Nduwimana, Minister of the Interior of the Republic of Burundi, and other senior Government officials, including the Permanent Secretary of the Ministry of External Relations, Ambassador Albert Shingiro.

Allow me to greet Ambassador Niyonzima, Permanent Representative of Burundi to the United Nations, and Ambassador Paul Seger, Chair of the Burundi configuration of the Peacebuilding Commission (PBC).

Given that the Council has been closely monitoring the situation in Burundi over the past few weeks, I will limit my briefing to only a few significant developments.

During the reporting period, the United Nations Office in Burundi (BNUB) made progress on its mandated tasks, including promoting and facilitating dialogue; strengthening judicial and parliamentary institutions; supporting the establishment of transitional justice mechanisms; and promoting the protection of human rights.

In addition, pursuant to resolution 2137 (2014), BNUB began the process of transitioning to a United Nations country team. I was asked to prepare and submit to the Security Council a joint transition plan by 15 May. I am pleased to report that, thanks to the outstanding cooperation and support of the Government of Burundi and the keen participation of all members of the transition steering group, we have been able to meet that important goal.

The plan, which contains details on the transition, including the transfer of tasks to the relevant stakeholders and on possible gaps following BNUB's withdrawal, is before the Council today. In many ways, this is a historic moment, as it marks the beginning of the end of a stand-alone United Nations political presence in Burundi in order to focus on development activities through a strengthened United Nations country team.

(*spoke in French*)

Burundi has made considerable progress since the signing of the Arusha accords. That has enabled the country to leave behind its murderous conflict, which has killed its people for many decades. In general, security prevails throughout the national territory, even if there is a relatively growing number of grenade attacks and incursions by armed elements. Burundi has become an important troop contributor to peacekeeping operations. That has won it the admiration and appreciation of all as a result of the successful reform of its national forces. Burundi can also be congratulated on its strong representation of women in political life.

On the socioeconomic front, the Government's actions are guided by the ambitious strategic framework — the second poverty reduction strategy paper, which the international community supports, in particular through the Geneva conferences and with the valuable support of Ambassador Seger. Furthermore, a

significant reform process is under way to clean up the private sector and to promote private investment, which is key to development. That remains one of Burundi's major challenges, in particular in the area of youth unemployment.

However, a certain number of concerns remain. On the political front, the situation is still tense. Mistrust and a lack of constructive and inclusive dialogue between the Government and opposition parties do not help matters. The political space remains limited. The Government insists on the need to respect the laws in place, while the opposition, civil society associations and the media condemn the represssive laws. Unfortunately, it must be recognized that such a context is not conducive to respect for and the best protection of human rights.

Moreover, with the approaching electoral period, there is a trend towards political violence and clashes among youths affiliated with political parties, which reflects the prevailing hostile political climate. That phenomenon is of particular concern since it also affects young supporters of the ruling party. I encourage the Government to persevere in its efforts to counter such agitation.

In order to prevent deterioration, we have in particular to recommended that the authorities strengthen initiatives to promote better political governance through dialogue and tolerance, while putting an end to impunity. However, it is also urgent to continue efforts to significantly reduce the security risk posed by illicit weapon flows.

Mistrust, which is dividing the Burundi political class, has been evident since the negotiations and the adoption in April of the law establishing a truth and reconciliation commission. It is regrettable that the adoption of that important law to set up transitional justice mechanisms has not made it possible to overcome sectarian divisions. We must now do our utmost to prevent such differences from compromising the credibility and the functioning of the commission and from casting doubt over the long-term prospect for reconciliation towards a stronger national cohesion.

Despite such worrisome factors, mentioned here to demonstrate the extent of the path to cover, I remain confident about the capacity of Burundian political actors to overcome their differences and together deal with their common challenges. They must overcome the political intolerance within and among the political parties and accept diverging views without creating enemies. That is still possible.

The adoption on 25 April of the new electoral code, which reflects the recommendations of the March 2013 consensus road map and the conclusions of the Kayanza workshop on the May 2013 electoral code, is a step in the right direction in that regard. All actors should commit to preserving the prevailing spirit of consensus at the time of adopting the electoral code in order to restore mutual confidence, improve the political climate and establish suitable conditions for free, transparent, inclusive and peaceful elections in 2015.

It is crucial that Burundians and Burundi maintain the calm. Despite the difficult outlook and their immense challenges, they possess all the advantages to build a rich and promosing future that is free of violence.

(*spoke in English*)

As the Council can see, there are reasons to believe that, with the right amount of political will from all political actors and the implementation of courageous and just measures, Burundi can stay the course and avoid a reversal of its commendable gains. I am optimistic that the upcoming workshop being jointly organized by the Government of Burundi and BNUB, due to take place on 20 May in implementation of the March 2013 road map, will help to further advance dialogue and improve the political environment ahead of the 2015 elections, including averting political violence.

BNUB is determined to do its utmost up to the end of its mandate in December. We are committed to helping advance the cause of peace and respect for human rights and democratic values, consistent with the aspirations of the Government and people of Burundi.

That is the strong foundation upon which lays the partnership that binds together the United Nations and the Government of Burundi. It entails working together to proactively address any potentially damaging threat to peace and security in Burundi. We are grateful to the Government of Burundi for its continued collaboration.

I would like to sincerely thank the Chair of the Burundi configuration of the PBC, my dear friend Ambassador Paul Seger, for his excellent cooperation and support to the Government and people of Burundi.

Allow me also to express our gratitude to Secretary-General Ban Ki-moon, who has tirelessly led us in

shouldering our responsibilities. We could not have been better guided than by Under-Secretary-General Feltman and his team from the Department of Political Affairs.

The President: I thank Mr. Onanga-Anyanga for his briefing.

I now give the floor to Mr. Seger.

Mr. Seger (*spoke in French*): Allow me first of all to thank the Council for having invited me to this briefing. I would also like to thank the Special Representative of the Secretary-General, Mr. Parfait Onanga-Anyanga, and his entire team for their outstanding work with regard not only to the transition plan that he has just presented but also their tireless efforts in balancing the dual burden of continuing to implement the mandate of the United Nations Office in Burundi (BNUB) until the end of the year and of ensuring a smooth transfer of BNUB's remaining tasks to the country team. I also take this opportunity to welcome the Minister of the Interior and the Permanent Secretary of the Ministry of External Relations and to the Government of Burundi for its very constructive and positive cooperation thoughout our relationship.

I will limit my statement today to two points. First, I will sum up the essential aspects of the configuration's efforts to assist Burundi, in particular in the light of the current situation, and to inform the Council about my upcoming visit to the region from 21 May to 1 June. Secondly, I will raise the idea of convening a follow-up meeting to the Geneva conference of 2012 to assess progress in the implementation of the second poverty reduction strategy paper and the mutual commitments agreed upon at the meeting in Geneva.

As the Council has heard, the current situation in Burundi is difficult and tense. Without dwelling on developments since the adoption of resolution 2137 (2014), which the Council has followed closely by meeting three times in closed consultations, I now note a growing lack of trust on two levels. Internally, the perspective of the 2015 elections is giving rise to a significantly increased tension. Exacerbated by an absence of dialogue, the political space is clearly limited, leading to mutual mistrust between the ruling party and the opposition parties. In the same vein, recent events on the political front in Burundi have raised great concern at the international level, as underscored by the various statements and visits by bilateral and multilateral partners and institutions. The international community's increased attention to Burundi clearly demonstrates its strong bond with the country and its people. We have to further intensify our common efforts in favour of a frank and open — but also respectful and friendly — dialogue between Burundi and its partners.

I have therefore focused my efforts of recent months on exploring options for ending the current impasse while continuing to appeal for a smooth transition towards the post-BNUB phase and beyond. In that context, I met with United Nations Development Programme (UNDP) Administrator Helen Clark, high-level officials from the Department of Political Affairs, a ministerial delegation from Burundi and a few bilateral partners. Administrator Clark has assured me of UNDP's full commitment to continuing the work of peacebuilding after BNUB's departure. I also had the pleasure of participating in the first two meetings of the transition steering group via video-teleconference. Furthermore, following the configuration's meeting on 12 March, I continued my informal exchanges with key configuration members to share our respective analyses and cooperate with the Government through its Permanent Representative in New York. Yesterday, I also met with the World Bank Vice President for Africa, Mr. Makhtar Diop. I will come back to that visit later.

As BNUB's mandate is coming to an end, as we know, on 31 December, I intend to continue to engage in dialogue with the various stakeholders over the coming months to ensure continued or even increased political commitment on the part of the international partners in Burundi. The countries of the subregion have a central role to play. I welcome the efforts of neighbouring States and regional organizations in the context of the current situation and call upon them to become even further involved.

Given recent developments, the Burundian Government has invited me to move my visit up to the month of May. I have gladly complied and have planned my visit for 21 May to 1 June. Contrary to my usual practice, I will stay in Bujumbura for only two days and will devote some of my time to visits to Brussels, Paris, Kigali and Arusha, United Republic of Tanzania. The goal of my stopovers in Europe and Burundi's neighbouring States is to discuss recent developments with high-level representatives from the various countries and regional organizations, in particular the European Union and the East African Community, in order to explore the best options to engage with Burundi and define their respective roles, in particular after

BNUB's departure. In my opinion, that last point is of particular importance, given that Burundi's partners will have to fill the gaps left by BNUB's withdrawal. Indeed, the transition plan just presented by the Special Representative of the Secretary-General clearly reflects those gaps.

My initial intention was to include Addis Ababa and Dar Es Salaam in my itinerary in order to meet with African Union and Tanzanian officials, but due to time constraints I was unable to do so. I will, however, make up for that on one of my upcoming trips, during which I will also seek to enhance my contacts with other important partners in the region, in particular Kenya and Uganda.

The programme for my two-day stay in Bujumbura is being finalized, and I would like to take this opportunity to thank BNUB's staff in advance for their preparatory work. As usual, I will meet with high-level representatives from the Government, including, I hope, the President, and representatives of various political parties, civil society and the international community. I also plan to participate in the first meeting of the joint steering committee that will support the implementation of the Peacebuilding Fund's new priority plan, which has been allotted $11.65 million and covers four priority areas: social cohesion, youth, human rights and property development.

My upcoming trip has a more concrete objective as well. Within the configuration, we have been discussing the idea of convening a roundtable meeting as a follow-up to the 2012 Geneva conference. That issue was also at the core of yesterday's discussion in Washington, D.C., with Assistant Secretary-General Judy Cheng-Hopkins and the World Bank's Vice President for Africa, Mr. Makhtar Diop. The Geneva conference, as the Council knows, was organized on the basis of the principle of mutual commitments and responsibilities. International partners committed to supporting Burundi financially within the framework of the second poverty reduction strategy, and Burundi committed to embarking on important reforms in the political and the socioeconomic sectors.

We must admit that the Geneva conference's momentum has slowed over the past few months and given way to an increasing lack of trust, as I mentioned at the beginning of my statement. We have reached the midpoint of the second poverty reduction strategy, and that provides us with an opportunity to come together again and take stock of the mutual commitments undertaken in Geneva. Such a meeting would have several objectives: to counter the risk of an economic and political relapse; to rekindle what I would call "the spirit of Geneva"; and to review the progress in the implementation of the second poverty reduction strategy and the mutual commitments.

Ideally, the roundtable meeting would take place sooner rather than later — namely, in the summer or early autumn — and would include a limited number of high-level representatives of the main partners and the Government in order to encourage open communication in an informal setting. Finally, such a roundtable would also respond to the Council's call contained in paragraph 19 of resolution 2137 (2014) of 13 February. During the informal discussions, high-level representatives of the Burundian Government supported the idea of such a roundtable. I thus intend to officially present this idea during my exchanges in Burundi, so as to then present a concept paper to the concerned stakeholders. As per usual, I will send a report on my visit to the Council.

Given its painful history, Burundi has made remarkable progress towards stability in a very short period of time. We must stay the course and prevent any backsliding into the past. The international community's involvement in Burundi is still very much needed — perhaps now more than ever. It is in this spirit that I welcome the attention the Security Council is giving to the situation in Burundi. It is now up to us, as Burundi's partners, to pick up the BNUB torch and consolidate its extraordinary achievements by enhancing our involvement. The joint expressions of concern by the Council and other forums regarding recent developments, in my opinion, have above all shown that the international community cares about Burundi. In my view, that is an important message that we must build on.

The President: I thank Mr. Seger for his briefing.

I now give the floor to the Minister of the Interior of Burundi.

Mr. Nduwimana (Burundi) (*spoke in French*): I too wish to greet, on behalf of the Government of Burundi, all the members of the Security Council, and in particular you, Mr. President. I congratulate you on your country's accession to the presidency of the Council for this month.

I would like to begin my statement by recalling that, on 13 February, the Security Council adopted resolution 2137 (2014), by which the mandate of the

United Nations Office in Burundi (BNUB) is to come to an end by 31 December 2014 in order to effect a transfer of responsibilities to a United Nations country team. The resolution calls on the Government of Burundi, BNUB, the Peacebuilding Commission and bilateral and multilateral partners to create a transitional steering group to draw up a plan for international support to Burundi after BNUB's final departure and the establishment of the country team, and requests the Special Representative of the Secretary-General to draw up a transition plan by 15 May 2014.

The Council also urged BNUB to carry out its mandate, the core of which is laid out in resolution 2090 (2013), and which covers the following main points: promoting and facilitating dialogue between national actors and supporting the mechanisms for broad-based participation in political life, including those aimed at ensuring a conducive, free and open environment for the run-up to the 2015 elections; strengthening the independence of judicial and parliamentary institutions; supporting efforts to fight impunity, particularly through the establishment of independent and impartial transitional justice mechanisms; promoting and protecting human rights; and supporting the efforts of the Government and the international community to focus on the socioeconomic development of women and youth and the socioeconomic reintegration of conflict-affected populations.

In addition, resolution 2137 (2014) calls for BNUB and its international partners to support the Government of Burundi in making the reforms necessary for improving the political, economic and administrative climate, for professionalizing the defence and security forces, and for creating an environment conducive to implementing constitutional reforms with the involvement of the political parties and all the relevant stakeholders, while also establishing transitional justice mechanisms such as a credible and agreed-on national truth and reconciliation commission.

As has already been stated many times, including in the General Assembly at the start of the work of transitioning from the United Nations Office in Burundi to the country team in March, the Government of Burundi is aware that the programme I have just mentioned constitutes the be-all and end-all of these activities and concerns, and has continued to improve on the results that have already been achieved in the aforementioned areas. These are also laid out in most of the principal strategic programme tools in Vision Burundi 2025 and the second Strategic Framework for Growth and the Fight against Poverty, as the Special Representative of the Secretary-General mentioned.

With regard to the 2015 elections, which require the creation of a conducive environment before, during and after, the Government has already met part of its obligations, as evidenced by the holding of a workshop that produced the electoral road map adopted in March 2013, organized by the United Nations Office in Burundi and the United Nations system, in close coordination with the Government of Burundi. We should also note that the road map is being fully implemented, primarily through the holding of a meeting in Kayanza and through broad consultations open to all, in the spirit of the 2000 Arusha accords, organized on 19 and 20 December in Kigobé by the Burundian Parliament, which were commended by all the actors involved for being constructive and broadly representative, and which culminated in the adoption of an agreed-on electoral code which was recently enacted by Parliament.

Concerning the establishment of a truth and reconciliation commission in accordance with resolution 1606 (2005) and the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000, and as a result of the technical work and national consultations held in 2009, it should be noted that remarkable progress was achieved with Parliament's enactment in April of a law on the subject. The members of these structures will be nominated very shortly and their nomination will take into account the requirements of the relevant Security Council resolutions.

I cannot conclude this statement without mentioning the third phase of the priority peacebuilding plan for Burundi, to which the Peacebuilding Support Office has just approved the allocation of $11.65 million. I should add that the budget is part of the support package provided to Burundi by the Peacebuilding Fund, amounting to $50 million over the past few years and covering the first two phases of peacebuilding in my country. The areas covered in the plan are focused on Government programmes, including those directed towards social cohesion and political dialogue, young people's participation in political and social life, reconciliation initiatives, the democratic exercise of human rights and the peaceful settlement of land disputes. I take this opportunity to request that all the funds pledged to the implementation of all these

programmes be speedily released so that the people concerned can benefit from them as soon as possible.

Regarding the joint plan of transition from the United Nations to Burundi, I wish to confirm that it reflects a permanent arrangement between the Government and the United Nations Office in Burundi. The content of the document and the establishment of the transition steering group have been carried out in accordance with paragraph 3 of resolution 2137 (2014), whose main goal is to provide high-level strategic direction aimed at implementing the resolution, including by facilitating the transition process and supporting the effective fulfilment of the mandate of the United Nations Office in Burundi through 31 December.

The Government would like to take this opportunity to thank the Special Representatives of the United Nations in Burundi, and its other bilateral and multilateral partners involved in significant activities in the transition process in the five priority areas of the joint transition plan, for their willing collaboration, and to thank them in advance for their efforts in implementing it. It should be recalled that the programmes covered include democracy, governance and institution-building; human rights and transitional justice; the rule of law, security and stability; and economic and social development.

The Government of Burundi would again like to thank the United Nations and its bilateral and multilateral partners for their commitment to supporting the Government's programme for the comprehensive development of the Burundian people. For its part, the Government will spare no effort in fulfilling the role assigned to it. In taking this road, hand in hand we will leave behind and conquer the poverty that has dogged and bemired the people of Burundi.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.

United Nations S/PV.7175

Security Council

Sixty-ninth year

Provisional

7175th meeting
Wednesday, 14 May 2014, 3 p.m.
New York

President:	Ms. Paik Ji-ah	(Republic of Korea)
Members:	Argentina	Mr. Rutilo
	Australia	Mr. Bliss
	Chad	Mr. Mangaral
	Chile	Mr. Llanos
	China	Mr. Cai Weiming
	France	Mr. Lamek
	Jordan	Ms. Al-Hadid
	Lithuania	Ms. Murmokaitė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Sana
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Mr. Ried

Agenda

The situation in the Middle East

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14-01619 (E)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear a briefing by Ambassador Raimonda Murmokaitė, Permanent Representative of Lithuania, in her capacity as Chair of the Committee established pursuant to resolution 2140 (2014).

I now give the floor to Ambassador Murmokaitė.

Ms. Murmokaitė (Lithuania): I have the honour to report to the Security Council pursuant to paragraph 19 (e) of resolution 2140 (2014) on the work of the Committee since its establishment on 26 February to date. With the agreement of Council members, the report comes later than the 60-day time frame stipulated in resolution 2140 (2014) in order to allow the Committee to inform the Council on the more recent and substantive activities undertaken by the Committee.

Council members will recall that, by resolution 2140 (2014), expressing support for a peaceful, inclusive, orderly and Yemeni-led political transition process that would meet the legitimate demands and aspirations of the Yemeni people for peaceful change and meaningful political, economic and social reform, as set out in the Gulf Cooperation Council Initiative and Implementation Mechanism and the outcomes of the comprehensive National Dialogue Conference, the Security Council, inter alia, imposed measures on individuals or entities designated by the Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen. These measures consist of the freezing of assets owned or controlled by individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and a travel ban on individuals designated by the Committee.

On 25 March, I was elected Chair of the Committee, with the representative of Jordan serving as Vice-Chair. I would like to thank Council members for the trust and confidence they have placed in me and my delegation as leaders of this important subsidiary body of the Security Council. As I said at the first meeting of the Committee, I intend to cooperate very closely and on an ongoing basis with all of its members.

The first order of business for any new committee is the adoption of guidelines for conducting its work. Ours were adopted on 4 April, after which they were announced to all Member States through a note verbale and a press release. On the same day, the Committee received a letter from the Under-Secretary-General for Political Affairs proposing the names of four individuals to serve on the Panel of Experts established by resolution 2140 (2014). As Council members will recall, one of the Panel's tasks is assisting the Committee in carrying out its mandate, including by providing, at any time, information relevant to the potential designation of individuals and entities as subject to the travel ban and/or the assets freeze. The Panel is also tasked with gathering, examining and analysing information from States, relevant United Nations bodies, regional organizations and other interested parties regarding implementation of the measures set out in resolution 2140 (2014), particularly incidents where the political transition in Yemen is undermined.

The Committee had no objection to the slate proposed by the Under-Secretary-General, and the experts were appointed to the Panel by the Secretary-General on 16 April. Since that time, however, one has withdrawn from the Panel, citing pre-existing academic and professional commitments that would prevent him from participating fully in the operational work plan envisaged for the Panel. The Secretariat is working to identify a replacement as soon as possible, while the other three Panel members are in New York and have begun their work.

In a letter dated 4 April addressed to this and other committees, the Chair of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities proposed that a recommendation of its Monitoring Team, pertaining to biometric data on listed individuals, be implemented as standard practice for all committees that have concluded an agreement with INTERPOL for the dissemination of Security Council-INTERPOL Special Notices. In my reply, I informed the Chair of the 1267/1989 Committee of my Committee's intention, in the coming days, to consider adopting the procedures on the issuing of Special Notices and to revert to it thereafter.

The first Committee meeting was held on 30 April, specifically to initiate a dialogue among the Committee, Yemen and member countries of the Gulf Cooperation Council (GCC) and to discuss implementation of the measures imposed by resolution 2140 (2014). A representative of the GCC also participated. The convening of this meeting, in accordance with sub-paragraph (f) of paragraph 19 of the resolution, shows how important the Committee considers interaction and consultation with Yemen and its regional partners to be. During the meeting, the Permanent Representative of Yemen thanked the GCC member countries for their support for the transition and underlined the importance of taking economic and humanitarian factors into account when addressing his country's challenges. All participants who spoke agreed that the dialogue was useful and should continue. It is my intention to maintain an inclusive and participatory approach in steering the Committee.

On 5 May, the Committee met in informal consultations with the three members of the Panel of Experts. The experts shared their initial thoughts on how they intended to proceed with the fulfilment of their mandate and the challenges they foresaw. Committee members welcomed the start of the Panel's work and looked forward to receiving its continued, impartial and independent analysis of the situation on the ground. I was pleased to learn that while the Pnael was in New York, it would be meeting with a wide range of actors and stakeholders, including representatives of Yemen and the member countries of the GCC. Committee members also looked forward to a visit by the Panel to Yemen in the near future and noted that such travel will be critical for gethering first-hand information.

An update from the Panel is due to the Security Council no later than 25 June. In accordance with resolution 2140 (2014), this update will be discussed in the Committee before being submitted to the Council. Moreover, the Panel may at any time present relevant information to the Committee. In accordance with sub-paragraph (e) of paragraph 19 of resolution 2140 (2014), and as deemed necessary, I will thereafter report to the Council on this and other Committee discussions and activities.

The President: I thank Ambassador Murmokaitė for her briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.15 p.m.

United Nations S/PV.7176

Security Council

Sixty-ninth year

Provisional

7176th meeting
Thursday, 15 May 2014, 10 a.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mr. De Antueno
	Australia	Ms. King
	Chad	Mr. Mangaral
	Chile	Mr. Gálvez
	China	Mr. Wang Min
	France	Mr. Lamek
	Jordan	Prince Zeid Ra'ad Zeid Al-Hussein
	Lithuania	Mrs. Kazragienė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Mrs. DiCarlo

Agenda

The situation in Bosnia and Herzegovina

Letter dated 2 May 2014 from the Secretary-General addressed to the President of the Security Council (S/2014/314)

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14-33212 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 2 May 2014 from the Secretary-General addressed to the President of the Security Council (S/2014/314)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2014/314, which contains a letter dated 2 May 2014 from the Secretary-General addressed to the President of the Security Council, transmitting the forty-fifth report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

Mr. Inzko: As we stand ready to commemorate the one hundredth anniversary of the outbreak of the First World War and the tragic loss of life and suffering that followed, our continued commitment to our shared goal of irreversible peace in Bosnia and Herzegovina is more important than ever. Our continued commitment is important to the country, its people and the wider region, but it is also important for the affirmation of the inviolable values and principles of peace, coexistence, mutual respect and the sanctity of sovereign States that we hold so dear.

If ever there was a year for us to learn from the mistakes of the past and to remind ourselves that what happens to Bosnia and Herzegovina is important far beyond its borders, that year is 2014. It is precisely because of this that I would like to take this opportunity to express my support for the French-led efforts to mark the hundredth anniversary of the First World War in Bosnia and Herzegovina, which I hope will be used not to promote division and conflict but to reflect on the importance of peace.

(*spoke in French*)

I especially want to thank France and its Ambassador to Bosnia and Herzegovina, Roland Gilles, for his positive and visionary approach to commemorating the centenary of the Sarajevo assassination. In this context, I welcome the initiative taken by France and its centennial mission, which has devoted great energy to sending a message from Sarajevo built around the theme of reconciliation. On the initiative of France, we shall together send a message of brotherhood and peace to the world on 28 June. This noble message will be reinforced by the concert for peace to be given in Sarajevo by the Vienna Philharmonic Orchestra that same day.

(*spoke in English*)

Sadly, in the six months that have elapsed since I was last here, the actions and behaviour of some of Bosnia and Herzegovina's elected officials and political leaders suggest that they have learned little from the mistakes of the past. The same old mistake — putting the interests of a privileged political class before those of the country and its citizens — continues to be made. Not once, not twice but over and over again. I say this because the status quo and the current way of doing politics in Bosnia and Herzegovina are so very clearly working for just a chosen few — those who are in power or close to power.

Conversely, it is simply not working for the average citizen in Bosnia and Herzegovina. The lack of urgency to reach the healthy compromises that are in the interests of the overwhelming majority of the people of the country and are clearly necessary to take the country forward is becoming ever more difficult to understand and impossible to defend. Entirely predictably, the political situation has continued to deteriorate. A snapshot of the past six months tells us all we need to know.

First, progress on Euro-Atlantic integration has ground to a halt despite the commendable efforts of the European Union and NATO. What is the reason?

Yet again, Bosnia and Herzegovina's political leaders were unable to reach an agreement on changes that are required to implement the European Court of Human Rights judgement in the *Sejdic-Finci* case, which is a condition for the country to move forward towards European Union candidacy and ensure the equality of all citizens. Similarly, a lack of progress on military property continues to prevent Bosnia and Herzegovina from activating its membership action plan with NATO.

Secondly, despite notable increases in exports, the overall economic situation remains very difficult, with the entities relying on external budgetary support to pay the bills. Unemployment now stands at 44 per cent.

Thirdly, the legislative output of the State institutions continues to fall well short of the needs of the country, with more new laws being rejected than are adopted.

Fourthly, many verdicts of the Bosnia and Herzegovina Constitutional Court, which are final and binding under the terms of the Peace Agreement, remain unimplemented. As a result, for example, voters in Mostar continued to be denied the right to elect their local Government, which should have happened in 2012.

And as if all this were not enough, challenges to the Peace Agreement became ever more frequent and direct as the reporting period progressed. Senior politicians from Republika Srpska have sought to exploit the deeply worrying events in Ukraine to promote their own separatist agendas, and have repeatedly called for and predicted the end of Bosnia and Herzegovina. Calls for a referendum on secession have similarly been repeated time and time again.

I have made it clear repeatedly that the Dayton Peace Agreement does not allow for the entities to secede. The international community must continue to say clearly that our commitment to the sovereignty and territorial integrity of Bosnia and Herzegovina is absolute. That is exactly what the 28 Foreign Ministers of the European Union did in April.

Regrettably, I am obliged to inform the Council that once again the challenges to the Peace Agreement in the reporting period included not only statements, but also actions. In April, the Republika Srpska Government, at entity level, adopted Government decisions to regulate issues related to residence in response to the blockage of amendments to the State-level law in the upper house of the State Parliament. However, residence is regulated by the State in all countries of the world and it must continue to be regulated by the State, not at the entity level. As the Peace Implementation Council Steering Board has long made clear, we cannot have the entities taking unilateral action in this way.

Unfortunately we also saw the Federation entity authorities acting unilaterally last year in a way that compromised the single economic space of the country, although thankfully that issue is now moving towards a solution. I also regret to inform the Council that the Republika Srpska authorities continue to refuse to cooperate with me and my Office, as required under annex X of the Peace Agreement, by refusing to provide documents when they are requested to do so. The President of the Republika Srpska has boasted publicly that there would be no cooperation with my Office.

Sadly, positive developments have been few and far between, but there have been some. The State Parliament finally managed to adopt the necessary technical amendments to enable elections to be held as required in October. It also adopted a welcome new law on public procurement in line with European Union standards, and there have been important steps taken towards the full establishment and functioning of the Federation's Constitutional Court. There has also been some welcome progress with the State-level electricity transmission company TRANSCO. Furthermore, as I mentioned earlier, the fact that exports increased last year by 7 per cent is welcome news.

The regional situation and relations between the country and its neighbours also continue to improve. In this regard, Serbian Prime Minister Vučić's groundbreaking and confidence-building visit to Sarajevo two days ago was another significant and indeed welcome step towards reconciliation.

Nevertheless, I am increasingly concerned that the country is in danger of falling into a vicious downward cycle of spiteful tit-for-tat politics that it will be difficult to emerge from. Bosnia and Herzegovina has now been on a downward trajectory ever since the April package of constitutional changes was narrowly rejected in 2006. Eight years is a long time for a country to be going the wrong way. As my Office has long warned, the country cannot continue to go on in this way indefinitely without serious consequences.

While nobody could predict exactly when there would be a public backlash against the ongoing failure

of politicians to put citizens first, it was only a matter of time before it occurred. That is what took place at the beginning of February, when we saw large-scale protests. Central to the demands of the protesters was that the authorities should finally get serious about dealing with the mounting economic and social problems facing ordinary people and the rampant corruption gripping the country. Regrettably, the protests turned briefly violent on 7 February and significant damage was done to a number of public buildings in Sarajevo, Tuzla, Zenica and Mostar, with notable numbers of police officers and some demonstrators being injured, but thankfully without any loss of life. Peaceful protests continued thereafter, including some in Republika Srpska.

The response of the political class was mixed. While some politicians understood the clear message of those protesting, others sought to misrepresent the protests as ethnically motivated or organized from outside the country. That was simply not the case. Democracy is not just a matter of holding elections every four years, it also happens in between. In that respect, the peaceful protests and civic gatherings known as plenums represent a positive step forward in strengthening Bosnia and Herzegovina's democracy. That new civic engagement is in a sense a sapling and, as we all know, even the tallest of oaks has to start to grow somewhere. What is now required is for the sapling to be nurtured and supported by us for as long as it takes. In this election year, it is especially important that the growth in activism continue in the form of greater participation in all aspects of the election process, from the selection of candidates to discussions of concrete issues to voting on election day.

We are now less than five months from the next general elections, which I believe will be the most hotly contested elections since the Dayton Peace Agreement was signed in 1995. I cannot hide my concern about the challenges that face us before election day. I am particularly concerned that in the coming months the ongoing controversy over residency and voting rights could lead to disputes on the ground, especially in municipalities across the Republika Srpska. That is a scenario that all involved must do everything in their power to avoid. It is especially important that no one be discriminated against on the basis of ethnicity or because they are returnees. I am similarly concerned that the election campaign will once again be dominated by attempts to raise inter-ethnic tensions as a means to divert attention from the real problems facing the country.

What Bosnia and Herzegovina badly needs to see in the forthcoming election campaign is a frank, robust and action-oriented public debate on how rampant corruption, exceedingly high unemployment and, of course, the lack of progress on Euro-Atlantic integration are going to be urgently overcome by the incoming Government after the elections. We need to hear more about plans to reform the economy and create jobs, which are in the vital interests of all citizens of the country regardless of ethnic group.

The demonstrations we have seen are a clear wake-up call for the political establishment in Bosnia and Herzegovina, but also for the international community. As one of my predecessors pointed out recently, if we go on doing what we are doing we will go on getting what we are getting. After the next elections, therefore, there is going to have to be a fundamental change in the way politics is conducted in Bosnia and Herzegovina so as to focus on the needs of all citizens, not just on the appetites of a chosen few.

Similarly, the international community's approach will need to evolve, and it must do more to factor in the specificities of Bosnia and Herzegovina's history, its post-war settlement and the risks to its future stability. With that in mind, let me take this opportunity to express my very strong support for the robust policy direction laid out by the Foreign Ministers of the European Union in their conclusions of 14 April, which I have already mentioned. I should also like to highlight the excellent cooperation and coordination that exists between European Union Representative Peter Sørensen and me, as well as between our offices on the ground.

Clearly, our job in Bosnia and Herzegovina is not yet complete. This is the time to reaffirm our vision of a united and reintegrated Bosnia and Herzegovina that is the lynchpin of a peaceful and prosperous region. This is the time to regroup and to recalibrate our approach. This is the time to stand together united in support of the values and principles I spoke about at the beginning of my statement. That means supporting those within the country who are ready to work together to reach the healthy compromises that are necessary to take the country forward. It means that we must stand firm against those who seek to sow division and disintegration. And it also means that we re-examine our approach while preserving the tools

that have ensured the peace, including the European Union military mission with an executive mandate.

Bosnia and Herzegovina has come a long way since 1995, but there is still some way to go. Let us make sure that we continue to give the country the support it still needs to complete its long journey to lasting peace and stability.

The President: I thank Mr. Inzko for his briefing.

I shall now give the floor to the members of the Security Council.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would like to welcome Mr. Inzko, High Representative for Bosnia and Herzegovina. However, once again, we must note that his report (S/2014/314, annex), which we have studied carefully, reveals a trend with regard to Bosnian Serbs, that is, they are blamed for all the political ills in Bosnia and Herzegovina, with a downplaying of the adverse impact of the Muslim Croatian clashes in the country and an ongoing denial of the legitimate rights of Bosnian Croatians under the Dayton Agreement. We reject that unilateral and harsh approach. In order to have an objective pictu e of what is taking place in the country, we would recommend that Council members also read the eleventh report of the Republic of Serbia to the Secretary-General and the Security Council, in which the commitment of Bosnian Serbs to international law and the letter of Dayton is clear.

We call on the High Representative to act consistent with the "5+2" programme agreed in 2008 by the Peace Implementation Council Steering Board, which sets out conditions for drawing down the protectorate in Bosnia an Herzegovina. Unresolved problems in that regard, as well as other fundamental questions for the future of the country, should be resolved by Bosnians themselves through inclusive dialogue and on the basis of the consent of all constituent peoples. The task of the High Representative is to promote those efforts and find common denominators, not focus on a Euro-Atlantic agenda, domestic affairs or the country's decisions on international affairs.

We agree with the appropriateness of improving the Constitution of Bosnia and Herzegovina in accordance with the ruling of the European Court of Human Rights in the *Sejdić-Finzi* case. A compromise decision on that issue is possible if it is arrived at in an inclusively manner. However, we cannot agree with the broad interpretation of the Court's ruling in an attempt to use it as a pretext to reopen the question of the entire Dayton structure. We note that, in contrast with the well-articulated position of the Republika Srpska on the issue, to date representatives of the Federation of Bosnia and Herzegovina have been unable to agree on a single approach — mainly owing to the unwillingness to take into account the legitimate interests of Bosnian Croats.

We are closely following developments in the domestic political situation in Bosnia and Herzegovina, which is of course being impacted increasingly by the general elections scheduled for October. At the same time, see no reason for dramatizing the situation, as the report of the High Representative does.

There are concerns about the situation in the Federation of Bosnia and Herzegovina, but the High Representative for some reason does not dwell on that and instead focuses his main criticism on Banja Luka. Moreover, when protests arose in February 2014 in Bosnian-populated areas of the country — some of which resulted in violence, including the seizing and burning of administrative buildings and the forced resignation of cantonal authorities — the High Representative shifted the blame to the Republika Srpska and Croatians. It has to be acknowledged that Serbian entities are essentially free of social unrest. That is due to the active cooperation between the Government, unions and employers, as well as the timely, successful measures taken to resolve business issues and encourage the private sector.

The mass protests that took place in February were a manifestation of the far-reaching crisis in the Muslim Croatian entities. While the unrest was due to the worsening socioeconomic situation, the main reason goes far deeper: the absence of a balanced multi-ethnic policy at the federal level, ignoring the legitimate rights of Croatians and the failure to resolve ongoing tensions among the main Bosnian parties. All of that has an adverse impact not just on the Federation, but also the whole country. We are convinced that the usefulness of external supervision of the situation, along the lines of the Office of the High Representative, has run its course. The crisis in the Federation is just an additional argument for the need to draw down the personnel and for an inclusive internal dialogue to resolve the country's problems. There is no need to create artificial reasons to retain the apparatus.

Unfortunately, the High Representative was again silent concerning the alarming fact that members of the military opposition in Syria are being helped by mercenaries who are citizens of Bosnia and Herzegovina, which potentially threatens stability in that country and region. Here we welcome the efforts of Sarajevo to strengthen criminal accountability for fighters and illegal armed groups outside the country and their accomplices.

Overall, since the devastating armed conflict ended in 1995, Bosnia and Herzegovina has achieved concrete results. I do not agree with Mr. Inzko's conclusions in the report that the February protests demonstrated the fragility of the security situation. Quite to the contrary, the vast majority of the population, authorities and law enforcement have demonstrated their ability to act in a legitimate manner. We hope that the High Representative, our partners in the Security Council and the Steering Board of the Peace Implementation Council together will uphold the need for dialogue between the Bosnian parties in the run-up to the October elections. The way forward for the peace process should continue to be the transfer of responsibility to Bosnians themselves.

Mr. De Antueno (Argentina) (*spoke in Spanish*): At the outset, I thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his briefing and the report on the implementation of Peace Agreement on Bosnia and Herzegovina (S/2014/314, annex).

Argentina has previously reaffirmed its support for the Dayton Agreement and for the defence and preservation of the sovereignty and territorial integrity of Bosnia and Herzegovina. These are conditions that, together with respect for the rule of law, we believe are essential to lasting peace in Bosnia and Herzegovina. However, it seems to be ever more necessary for a critical evaluation to be undertaken of the current approach of the international community so that the country can be effectively supported to achieve irreversible progress.

The demonstrations that took place in various cities throughout the country in February were an expression of the frustration citizens feel and should serve as a warning. The lack of meaningful and concrete measures to implement the remaining requirements of the five objectives and two conditions for the closure of the Office of the High Representative has been a constant in recent reports received by the Council. Likewise, we continue to hear reports of continuing challenges to the powers of the central State by the entities and on the non-enforcement of decisions of the Constitutional Court of Bosnia and Herzegovina.

We remain concerned by reports referring to statements by senior officials of Republika Srpska promoting the dissolution of the State of Bosnia and Herzegovina and challenging the basic provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina and the territorial integrity of Bosnia and Herzegovina. At the same time, it remains impossible to hold local elections in the city of Mostar because of the inability to implement the 2010 ruling of the Constitutional Court on the city's electoral system. This prevents progress in the implementation of the ruling of the European Court of Human Rights in the *Sejdic-Finci* case.

There have been repeated calls on the political leaders of Bosnia and Herzegovina to step up their efforts to reach an agreement on the implementation of the Constitutional Court ruling. That would ensure respect for the rule of law, allow elections to be held in Mostar and promote renewed efforts to achieve an agreement allowing for the effective protection of the rights of non-constituent peoples, as the efforts of the international community in this regard seem not to have attained their objectives.

Positive developments include the adoption of amendments to the law governing the issuance of identification numbers for citizens, which ended a political and institutional crisis that lasted several months. Significant progress was made in unblocking the process of delayed appointments to the Federation Constitutional Court and its vital national interest panel. In this regard, we highlight the good offices of the Office of High Representative.

However we are concerned that it has not yet been possible to reverse the overall negative trend and resume the progress that was being made in early 2012. It is ever more necessary to achieve a deeper understanding of the underlying causes for the lack of progress. Only in that way will the international community be able to adapt its approach, continue working together with Bosnia Herzegovina and offer its support more effectively.

Finally, Argentina wishes to reiterate once again its support for the work of the Office of the High Representative in implementing the civilian aspects of the Dayton Peace Agreement and its efforts to help

Government entities to comply with the terms of the peace agreement and the State Constitution. We believe it is necessary to continue to provide the Office the sufficient resources and political support to fulfil its mandate under the Dayton Peace Agreement.

Mr. Nduhungirehe (Rwanda): I would like to thank Mr. Valentin Inzko, High Representative in Bosnia and Herzegovina, for presenting the forty-fifth report on the implementation of the Dayton Peace Agreement in Bosnia and Herzegovina (S/2014/314, annex). We applaud his continued efforts over the past five years in ensuring the full implementation of the General Framework Agreement for Peace.

Rwanda is concerned by the continued deterioration of the political situation in Bosnia and Herzegovina at the national and states levels alike. The main concern for us is the increasing rhetoric by senior officials of Republika Srpska, including President Milorad Dodik, predicting and advocating the dissolution of Bosnia and Herzegovina and the independence of the Republika Srpska, as well as the attempt to link the situation in Ukraine as a motivating factor for the future secession from the State. We recall that the self-determination of any State within the country would be in violation of the Constitution of Bosnia and Herzegovina as well as of the General Framework Agreement for Peace. We urge the authorities in the Republika Srpska to refrain from any negative rhetoric and to engage constructively in efforts towards national unity and reconciliation.

The immediate consequence of such rhetoric is a lack of the political will that would be fundamental to reaching an agreement on many legislative proposals. Those include legislation related to State and defence property, which is important for making progress in the implementation of the outstanding objectives of the "5+2" agenda as prerequisites for the closure of the Office of the High Representative. The current stalemate in the political situation is an impediment for the Bosnia and Herzegovina authorities to reach their Euro-Atlantic integration goal, and we hope that the benefits of such integration will be a driving factor for overcoming the gridlock.

Despite positive economic growth and improvement of the foreign trade balance in 2013, the economic situation in Bosnia and Herzegovina is still dire, with a very high unemployment rate, at almost half of the active population, a sharp decrease in foreign direct investment and serious fiscal challenges. All political actors must show resolve, solidarity and a sense of responsibility to improve the economic situation in Bosnia and Herzegovina.

The demonstrations that were held in February in several cities of the Federation of Bosnia and Herzegovina, mainly in Mostar, resulting from frustration over the socioeconomic situation, were an indication that local official needs to strengthen the fight against corruption. However, it is regrettable that what should have been a peaceful demonstration turned violent, causing injuries to a number of police officers, protestors and journalists. We strongly condemn the destruction of public property, and in particular the burning of the presidency building. In that regard, we reiterate our support for the European Union military mission in Bosnia and Herzegovina, which will continue supporting the local authorities in preserving peace and safety for the local population.

In the meantime, we are disappointed that no tangible action has been taken by domestic authorities and political parties to implement the 2011 ruling of the Bosnia and Herzegovina Constitutional Court on the current electoral system in Mostar. We call on all political actors to assume their responsibility and to end the crisis and to enable the election for a functioning city council.

We welcome the appointment of two new judges to the Federation's Constitutional Court, and we hope that the appointment of the remaining ninth judge will take place in the near future. In that respect, we encourage the relevant authorities to complete the establishment of a functional, vital, national interest panel within the Court, ahead of the October general elections so as to ensure the smooth and timely formation of the post-election Government.

With regard to the ruling of the European Court of Human Rights in the *Sejdic-Finci* case, we commend the efforts made by senior European Union officials to find a lasting solution. We encourage the political leaders in Bosnia and Herzegovina to redouble their efforts in order to reach an agreement on a constitutional amendment that provides equal political rights for all the citizens of Bosnia and Herzegovina, including minorities.

Next month, as we commemorate the centenary of the First World War and the attack in Sarajevo, as mentioned by Mr. Inzko, we also recall that next July the world will commemorate the twentieth anniversary

of the genocide against the Bosniaks in Srebrenica, committed only one year after the genocide against the Tutsi in Rwanda. We Rwandans believe that paying tribute to the victims and survivors of that tragedy should begin by fighting against the deniers of the genocide. We therefore call upon all political actors in the country to assume responsibility and to avoid questioning the decision of the International Tribunal for the Former Yugoslavia in the *Krstić* case and to work towards healing, reconciliation and the economic empowerment of the people of Bosnia and Herzegovina.

Prince Zeid Ra'ad Zeid Al-Hussein (Jordan): I would like to begin by thanking High Representative Valentin Inzko for his briefing to us this morning and for his forty-fifth report to the Council (S/2014/314, annex).

Listening to the High Representative and reading his report is sobering. While there are some positive developments highlighted, particularly where the people are concerned at the municipal level, like the formation of plenums soon after the February protests, much of the enmity that existed in Bosnia and Herzegovina before and during the war still remains. That is most evident at the level of senior officials, especially those who argue, with increasing vigour, for the dissolution of the State.

The Bosnian War was a war that at least three of us at this table experienced firsthand. It was a cruel war that achieved absolutely nothing, in which for most of its duration a mechanized army inflicted massive violence against a largely defenceless civilian population. It was as pathetic as it was criminal — a war which brought inexcusable pain to the Bosnian people and in which the victims who survived it suffer still. It was a war that wounded everyone somehow, and in which the battlefields were not the streets of Sarajevo, Mostar or Tuzla, but rather, to borrow from Denis Mukwege, the battlefields over which the war in Bosnia were fought were the very bodies of the victims themselves: the rapes, the enforced pregnancies, the torture and all that killing. And for what? For one ethnicity or another? My delegation has never heard of a human value called ethnicity. Or was the war waged because, as we were told then, those prosecuting it were the real victims once? If every people believed they were justified in breaking customary international law because of crimes committed against their parents, grandparents or forebears, the Council would remain in permanent session and the world would be ungovernable.

We concede that the oppression and persecution of any people today ought to be resisted by those very same people and that resistance ought to be lawful too. No one would dispute that. But citing an oppression that simply does not exist or that existed some 50, 60 or hundreds of years agom, is no basis today for adopting policies laden with obstruction and division, the effect of which can only ultimately imperil peace.

There are still enough Croats, Serbs and Bosniaks in Bosnia and Herzegovina who want nothing more than a life where they can prosper together in something like normal circumstances. They want to be part of the European Union. They know that further division would be bad for them and that if left unresolved, the present state of political polarization does not augur well either. As we saw dramatically at the beginning of the year, what they want most is functional Government.

We agree with the High Representative. The international community must look deeper into why it is the tensions persist and what could be done to reverse the gradual deterioration of the political condition. The General Framework Agreement for Peace provides no legal basis for secession by the Republika Srpska, and so every effort must be invested to forge a serious discussion on the historical narratives and about the reckoning required before a deeply felt reconciliation becomes possible.

Twenty years ago, the Council met urgently, almost every day, on the crisis in Bosnia and Herzegovina. Now, two decades later, we must begin to wake up and pay closer attention again to the problems facing this important country, knowing full well what the ultimate consequences could look like if the steady deterioration were to remain unchecked.

Mrs. DiCarlo (United States of America): I wish to thank High Representative Inzko for his briefing and for his tireless efforts in Bosnia and Herzegovina. The United States continues to support his mandate and commends his work to encourage the Government of Bosnia and Herzegovina to advance on a broad range of issues related to the General Framework Agreement for Peace. We remain steadfast in encouraging Governments at all levels to focus on key priorities, including capitalizing on positive civic engagement, ensuring that general elections go forward as planned in October, enacting reforms necessary for Euro-Atlantic integration and refraining from disturbing secessionist

rhetoric. Today, I would like to touch briefly on each of those four issues.

In February, thousands of protesters in cities across Bosnia and Herzegovina joined together to express dissatisfaction with the lack of long-term economic and political progress in the country. Protesters noted grievances about unemployment, corruption and other social concerns. We regret that protests briefly turned violent, resulting in injuries and damage to buildings, and that some political actors attempted to use the protests to discourage public discourse and to stoke ethnic tensions. The United States recognizes that both peaceful protests and democratic institutions, such as plenums, can serve key roles. They allow the public to express views that political leaders should listen to and respect. We hope that Bosnian citizens will continue active peaceful engagement in advance of and beyond the October general elections.

Furthermore, we commend the Government for adopting necessary amendments to the election law. We hope that election preparations will move forward smoothly. As preparations progress, we call on politicians and political parties to campaign on concrete proposals for economic and political reforms, instead of attempting to distract the public with divisive nationalist rhetoric.

The politicization of the regulation on residency has been yet another concern in the lead-up to elections. Although there is a need to amend existing legislation, the rights of returnees and the freedom of movement of all citizens must be respected. Attempts to address those issues unilaterally at the entity level and to block the functioning of State-level institutions are unacceptable.

In addition to holding general elections throughout the country, authorities are to hold local elections in Mostar no later than October. In that regard, we hope that political parties and institutions will meet their obligations to implement the ruling of the Bosnian Constitutional Court on the electoral system for Mostar.

Looking beyond elections, we hope Bosnia and Herzegovina will again focus on key reforms for Euro-Atlantic integration, which the United States continues to view as the surest and most expeditious path to the country's long-term stability and prosperity. As the High Representative notes in his report (S/2014/314, annex), authorities failed to make any concrete progress on the outstanding "5+2" objectives and criteria. We also share his concern over the Republika Srpska's lack of compliance with its obligation to provide the High Representative with timely access to officials, institutions and documents.

Despite efforts by senior European officials, Bosnian leaders failed to reach a final agreement on implementing the European Court of Human Rights decision in the *Sejdic-Finci* case, a key requirement for European Union (EU) integration. A defence property solution, which is also a "5+2" requirement, remains the condition for activating Bosnia and Herzegovina's NATO membership action plan.

Finally, the United States strongly supports the territorial integrity and sovereignty of Bosnia and Herzegovina as guaranteed by the Dayton Peace Accords. We strongly condemn recent statements calling for Republika Srpska's secession. Any action taken by Republika Srpska towards the dissolution of Bosnia and Herzegovina would violate Dayton as well as the Bosnian Constitution. Secessionist statements are nothing more than attempts to distract the public from the economic and political stagnation of the past four years.

We continue to support the EU-led peacekeeping force Operation Althea and the NATO headquarters in Sarajevo. We believe those institutions are essential in sustaining a safe and secure environment in Bosnia, provide essential capacity-building to the Government and provide reassurance across ethnic lines that the international community is committed to Bosnian stability.

We are optimistic about the future of Bosnia and Herzegovina and will continue to work with the Bosnian Government to encourage progress and to improve the lives of its citizens and to advance its path to Euro-Atlantic integration.

Mr. Tatham (United Kingdom): I would like to join others in welcoming High Representative Valentin Inzko back to the Council and to thank him for his comprehensive and objective report (S/2014/314, annex). The United Kingdom strongly supports the work of the High Representative and his ongoing commitment to ensure the implementation of the Dayton Peace Accords against significant political and security challenges.

The United Kingdom shares the High Representative's deep concern over the ongoing situation in Bosnia and Herzegovina. The country's development has been brought to a halt by economic and political stagnation.

There continues to be no substantive progress towards European Union and NATO membership and there has been a worrying increase in secessionist rhetoric and civil unrest. The violence and protests that broke out in February in several major cities in Bosnia and Herzegovina — like others, we regret that those briefly turned violent — were a clear demonstration of the population's deep dissatisfaction with the country's current situation. That should be a wake-up call for Bosnia and Herzegovina's leaders and for the international community. We must now focus on turning that difficult moment into an opportunity for all the people of Bosnia and Herzegovina. That requires a unified international response that sets out a new commitment to a broader agenda in the country.

For their part, Bosnia and Herzegovina's leaders need to engage fully with domestic grievances, in particular those centred on socioeconomic issues. As the High Representative has said, that is a fundamental change in the political dynamics that is very necessary. The political space needs to be filled with a genuine commitment to promoting the interests of Bosnian citizens, not with divisive nationalist rhetoric.

We support the High Representative's view that an engaged and proactive civil society is vital for the country's democratic future. Both Bosnia and Herzegovina's politicians and the international community should continue to engage with those domestic voices for change. A strong sense of local ownership will be the key to delivering those aspirations for reform.

We share the High Representative's concern regarding the recent increase in divisive rhetoric from politicians in Bosnia and Herzegovina seeking to manipulate the protests into an ethnic issue. Bosnia and Herzegovina's leaders should be in no doubt that the international community is unwavering in our commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country. In that context we welcome the constructive approach taken by Bosnia and Herzegovina's regional neighbours, including the Prime Minister of Serbia's visit to Sarajevo on 13 May and his clear affirmation of the Dayton Agreement and Bosnia and Herzegovina's territorial integrity.

The United Kingdom calls on all signatories to the Dayton Agreement to abide by their commitments. It is entirely unacceptable that the authorities in Republika Srpska have failed to cooperate with the Office of the High Representative. Bosnia and Herzegovina's leaders are obliged to cooperate with the High Representative and the international organizations and agencies set out in the Dayton Peace Accords and provide them with the necessary access to officials, institutions and documents in order to let them carry out their mandate.

The United Kingdom strongly supports the efforts of the European Union (EU) and NATO to help the country make progress on its Euro-Atlantic path and work towards delivering the "5+2" conditionality that would enable a closure of the Office of the High Representative. But it is clear that we are not there yet. Bosnia and Herzegovina's leaders need to demonstrate that they are genuine partners for reform. The country has a clear route towards EU and NATO membership, which will provide the proven framework for peace, security and regional cooperation. The United Kingdom is fully supportive of that goal and will do everything it can to facilitate progress. But Bosnia and Herzegovina's leaders need to work together with their own citizens to create real change and make progress on the country's Euro-Atlantic future.

In that regard, we strongly support the role of EU Special Representative Peter Sørensen, who has put together a package of measures to drive reform in the country. The United Kingdom endorses those initiatives, such as the May conference on a compact for growth. The EU Special Representative will play a vital role in re-energizing the development of Bosnia and Herzegovina. We commend his continued close and collaborative working relationship with High Representative Inzko.

We are deeply concerned by the fragility of the political and security situation in Bosnia and Herzegovina. The United Kingdom shares the High Representative's assessment that the European Union-led peacekeeping force Operation Althea continues to play a central role in supporting Bosnia and Herzegovina's own efforts to maintain a safe and secure environment. We will therefore support the retention of that vital asset when its mandate comes up for renewal later in the year.

Mr. Lamek (France) (*spoke in French*): I also thank the High Representative for Bosnia and Herzegovina for his briefing. I align myself with the statement to be delivered by the observer of the European Union. I will concentrate on three points.

First, the Bosnian people clearly demonstrated their discontent in February. As Mr. Inzko has highlighted, the demonstrations expressed the growing mistrust of an elite that has, to date, failed to create functioning State institutions, meet its people's needs or provide prospects for the future. Regrettably, the protest turned briefly violent, but luckily resulted in property damage only. However, it called into question institutional viability. It showed that Bosnians wish to have their voices heard and will recognized in creating a trustworthy political class with integrity. That is the basic lesson to be drawn from the citizens groups known as plenums that were created following the February demonstrations.

We support a peaceful expression of the emerging political awareness, through strong civic participation in October's general elections. As we look forward, the electoral campaign must enable those desiring to lead Bosnia to prove that they are able to meet the expectations of all Bosnians, particularly in the socioeconomic sphere.

February's demonstrations have proved that Bosnians — some of whom never knew the country of Yugoslavia — today desire a new future. We must endeavour, together, to provide them with long-term prospects.

The prospect of European integration offers the only viable way forward for Bosnia and Herzegovina, and that prospect should act as a catalyst for the transformation of the country. We reiterate our commitment to seeing Bosnia and Herzegovina join the European Union as a united and sovereign country that enjoys full territorial integrity. That hope is widely shared by the people of Bosnia and Herzegovina, for whom the European Union has never lost its appeal. We want to see that mutual desire translated into reality.

The European Union has a full role to play in the socioeconomic area in particular. In launching the initiative to promote growth and employment, the European Union is involved in two ways in Bosnia and Herzegovina: by intervening directly in response to the economic needs of the population; and by supporting the country's authorities to take the necessary reform measures to allow the emergence of a sustainable economy. However, it remains true than the leaders of Bosnia and Herzegovina will need to undertake reforms in the future to make their country more functional.

Finally, while the European Union mission, Operation Althea, retains a residual ability to support the authorities of Bosnia and Herzegovina, the European Union must intervene primarily in the area of capacity-building to allow the Bosnian security forces to operate independently.

The framework inherited from Dayton remains the framework for action by the international community in Bosnia and Herzegovina. The High Representative, Mr. Inzko, who is the guarantor of the peace accords, has our full support, and we commend his impartial work to support the emergence of a State that is united and responds to all of the aspirations of the people of Bosnia and Herzegovina. We recall that all parties have an obligation to cooperate with him and his services under the very terms of the agreements, in particular to provide him with the required documentation.

We also call on all the constituent parts of Bosnia and Herzegovina to put an end to all nationalist rhetoric and stop any action that divides the country. Our message is clear: there can be no questioning of the territorial integrity of Bosnia and Herzegovina. The future of Bosnia and Herzegovina requires increasingly close cooperation between its constituent entities. Intercommunal reconciliation is crucial to consolidating the sense, by all parties, that they belong and have a shared history and destiny. It is in that spirit of reconciliation that France is involved in the commemoration of the First World War in Bosnia and Herzegovina, to which Mr. Inzko referred earlier.

Ms. King (Australia): I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his comprehensive briefing. We continue to believe that the Office of the High Representative has an important role to play in Bosnia and Herzegovina. Mr. Inzko's briefing today has reminded us of the utility of the various strands of his important work, and we thank him for his efforts.

Australia reaffirms its support for the territorial integrity and sovereignty of Bosnia and Herzegovina. We remain convinced that that is necessary to ensure peace and stability in the country and the broader Western Balkans region. We renew our calls on all political leaders in Bosnia and Herzegovina, especially in Republika Srpska, not to undermine the territorial integrity and sovereignty of Bosnia and Herzegovina.

The lead-up to the twentieth anniversary of the Dayton Peace Agreement next year is an opportunity to reflect on how far Bosnia and Herzegovina has come since the end of the tragic civil war. Over the past 19 years

of peace, Bosnia and Herzegovina has transitioned from a post-conflict society to one that is looking towards European Union accession. Its governance institutions are now meeting regularly. Consequently, the Office of the High Representative has been able to take a lesser role in the domestic affairs of Bosnia and Herzegovina.

Nevertheless, significant challenges remain. We share Mr. Inzko's assessment that Bosnia and Herzegovina has not progressed as far and as fast as it could have, due to the inability of its leaders to agree on important political and economic reforms. Over the past six months, Bosnia and Herzegovina has not moved forward on its declared path of Euro-Atlantic integration. Yet, in our view, that will be vital to the country's long-term prosperity and stability. The lack of agreement on a coordinating mechanism with the European Union is obstructing Bosnia and Herzegovina's progress towards European Union integration. The country's political leaders must resolve that impasse. The implementation of the *Sejdic-Finci* ruling remains essential to ensuring equality for all citizens of Bosnia and Herzegovina and that they are able to take part in shaping their country's future. The lack of progress on the status of military property blocks the activation of Bosnia and Herzegovina's NATO membership action plan.

In December, the Peace Implementation Council Steering Board noted again the failure of Bosnia and Herzegovina to address the remaining objectives and conditions for the closure of the Office of the High Representative. We call on all political actors in the country to work productively to reach the compromises necessary to advance that process.

The emergence of direct-democracy forms of civic engagement, as embodied in recent plenums, was a positive development. We were concerned by the brief outbreak of violence in February, which marred otherwise peaceful demonstrations. However, Australia is supportive of the right of the citizens of Bosnia and Herzegovina to peacefully express their frustration with the socioeconomic situation, the levels of corruption and the high unemployment rates. That type of civic engagement has the potential to be a powerful tool to focus the political debate on the necessary governance and socioeconomic reforms.

Australia also welcomes the fact that the situation in the country remains generally calm, and we renew our appreciation for the role played by the European Union military mission in Bosnia and Herzegovina in supporting a safe and secure environment. We would also like to note the continuing importance of the work done by the Ministry of Defence and the armed forces of Bosnia and Herzegovina to control and manage the country's ammunition and weapons, including aging and surplus material. With the support of the international community, including NATO and the Organization for Security and Cooperation in Europe, the disposal of that material contributes directly to security and stability in Bosnia and Herzegovina.

Bosnia and Herzegovina can continue on a path towards integration with Europe, as its neighbours have done, or it can fall further behind. While the international community has an important role to play, it is up to the leaders of Bosnia and Herzegovina to enact the reforms necessary to achieve a stable, peaceful and prosperous future for its citizens.

Mr. Gálvez (Chile) (*spoke in Spanish*): We welcome the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, and thank him for his report (S/2014/314, annex) and his important work for peace and stability in Bosnia and Herzegovina.

We would like to start by expressing our regret that the implementation of the Dayton Peace Agreement remains a daily challenge because of the differences between the political parties, the political stalemate, the failure to implement the rulings of the European Court of Human Rights and the negative and secessionist rhetoric of Republika Srpska, which should be denounced by the international community. Those acts undermine national cohesion between the different ethnic communities in the country, hinder national reconciliation and delay the country's progress towards Euro-Atlantic integration. In that respect, we call on the country's political class to shoulder their agreed responsibilities and work in a spirit of reconciliation to deal with the challenges facing the country. A fundamental change is needed in the political class, as Mr. Inzko stated. In that context, Chile reiterates its support for the Dayton Peace Agreement, the sovereignty and territorial integrity of Bosnia and Herzegovina and respect for the rule of law at the national and international levels.

We are concerned about the deteriorating situation in Bosnia and Herzegovina, which highlights the failure to make progress in the implementation of the Dayton Peace Agreement, which was signed 19 years ago. The violent demonstrations in early February in

several major cities were, above all, a call for elected officials and political parties to change course in order to effectively support the country's progress. It was a call on the political class to focus its energy on the interests of the people.

We appreciate the efforts of the High Representative and we support the important work he carries out to strengthen the rule of law, comply with the rulings of the International Tribunal for the Former Yugoslavia, facilitate reforms to ensure national prosperity and oversee the return of displaced persons in the country. However, the lack of progress on the five objectives and two conditions for the closure of the Office of the High Representative is an indication of Bosnia and Herzegovina's lack of commitment to the future. We urge the leaders of all parties involved to work constructively to break the impasse.

We support Bosnia and Herzegovina's efforts to overcome its past. We underscore the progress that has been made, such as the amendments to legislation that regulates the issuance of citizen identification numbers, which were finally adopted and which allow citizens to once again receive those numbers from the central State. We also urge all political leaders to refrain from negative rhetoric and do their utmost to achieve genuine integration and national reconciliation.

I would like to conclude by reiterating the firm commitment, which my country has demonstrated since the beginning, to the process of moving towards a stable Bosnia and Herzegovina that is committed to defending its territorial integrity in a politically stable State and with institutions that work to serve its people, in particular with regard to job creation for youth, in peace and prosperity.

Chile participated in the United Nations Mission in Bosnia and Herzegovina with police personnel and continues to work within the European Union-led force Operation Althea. It has thereby maintained 10 years of uninterrupted Chilean military presence there.

We call on the international community to maintain its commitment to support the aspirations of the people of Bosnia and Herzegovina to a peaceful and prosperous Euro-Atlantic future. We also wish to support initiatives aimed at national reconciliation. In that connection, it is important to provide the necessary resources to ensure that the mandate under the framework of the Dayton Agreement of 1995 is fulfilled.

Finally, I want to reaffirm our support and commitment to the Office of the High Representative, which must continue to receive the political support and resources necessary to carry out its important work.

Mrs. Kazragienė (Lithuania): We warmly welcome Mr. Valentine Inzko, High Representative for Bosnia and Herzegovina, to the Security Council, thank him for his report (S/2014/314, annex) and reiterate our support to him.

Lithuania associates itself with the statement to be made by the observer of the European Union.

Almost 20 years ago, the Dayton Agreement ended the three-and-a-half-year-long Bosnian war. At the time, we had a vision of a united, stable, prosperous, multi-ethnic Bosnia and Herzegovina. Today Bosnia and Herzegovina is lagging behind its neighbours and other countries in the region. The political will of the leaders of the country to find consensus on compelling issues is crucial. Sound political will is already evidenced in the region, such as Croatia's recent accession to the European Union and the ongoing Belgrade-Pristina dialogue stipulating the progressive steps of Serbia and Kosovo towards the European Union. We commend neighbouring countries for their political support to Bosnia and Herzegovina and for their readiness to engage in regional cooperation, including, and most importantly, on economic cooperation.

In April, the European Union sent a strong message to the political allies of Bosnia and Herzegovina calling for collective responsibility. The European Union also reassured it of its engagement and support. Broadening the European Union agenda clearly indicates that the European Union does not intend to retreat or reduce its presence in Bosnia and Herzegovina. However, the future of the country is in the hands of its people and its political leaders. Like the representative of Jordan, we have not heard of the universal human value of ethnicity either.

We commend the decision of Bosnia and Herzegovina's Central Election Commission to announce the holding of general elections in October. We urge the citizens of Bosnia and Herzegovina to actively participate in the elections and to choose leadership that will take on the responsibility of charting a path towards irreversible progress in the country. There should be no place for disrespectful or divisive rhetoric throughout the electoral campaign and in general.

We are concerned about increasing statements from a number of Republika Srpska officials challenging the sovereignty and territorial integrity of Bosnia and Herzegovina, as stated in the report under discussion today. Lithuania reaffirms its commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country.

Much remains to be done to foster economic development in Bosnia and Herzegovina, as the country has the highest rate of youth unemployment — 59 per cent — the lowest rate of economic activity, the highest level of social assistance and the lowest foreign direct investment per capita in the region. The socioeconomic protests that started in February are a reflection of that frustration. The lack of economic growth is detrimental to restoring confidence between political leaders and society. Without the rule of law, good governance and anti-corruption measures, economic growth will be inconclusive and stagnate further. We urge the competent authorities of Bosnia and Herzegovina to launch reforms to strengthen the legislative and regulatory framework.

There is also an urgent need to create a functioning State structure that would enable Bosnia and Herzegovina to be a credible partner. The Dayton Peace Agreement was a necessary tool to end the worst war in Europe since the Second World War. The fact that the country has proven capable of determining its future in a safe and secure environment is a major achievement for the people of Bosnia and Herzegovina.

The international community, with its substantial political and financial commitment, has played an important role in supporting reforms in the country. The achievements should be sustained and built upon. Again, all responsibility lies with the political leaders of the country.

I wish to recall here resolution 2123 (2013), which calls on Bosnia and Herzegovina's political leaders to refrain from divisive rhetoric and make further concrete and tangible progress towards European Union integration, including by implementing the European Court of Human Rights ruling in the *Sejdić-Finci* case.

We support the Office of the High Representative in fostering initiatives for more inclusive dialogue among all ethnic communities, including at the local level. We believe that the new leadership will be committed to translating the legitimate concerns of the people of Bosnia and Herzegovina into legislative and fully implemented initiatives to launch structural and institutional reforms, including the strengthening of the rule of law, anti-corruption and financial accountability measures and protecting human rights. It is critical that the international community remain committed to Bosnia and Herzegovina. The interests of States — not individuals — must prevail in the decision-making process, which will lead the country to political stability and economic welfare.

Finally we reiterate that, as long as the authorities of Bosnia and Herzegovina fail to implement the standing requirements necessary for the closure of the Office of the High Representative, the Office has an important to play.Lithuania also stands ready to engage in discussions, together with regional and international partners, on a possible recalibration of the approach towards the mandate of the Office.

Mr. Wang Min (China): I thank High Representative Inzko for his briefing.

China welcomes the positive progress achieved by Bosnia and Herzegovina in enhancing national reconciliation, promoting economic development and building and strengthening the rule of law. Meanwhile, we note that Bosnia and Herzegovina continues to face complications and difficulties in achieving sustainable economic and social development and lasting peace and stability in the country, and that it continues to need support and assistance from the international community.

China respects the independence, sovereignty, national unity and territorial integrity of Bosnia and Herzegovina.

China also respects the right of the people of Bosnia and Herzegovina to decide the future of their country, and supports the right of all the country's ethnic groups to live in peace, harmony and common development. We hope that all ethnic groups will work on behalf of the long-term interests of their country, take practical measures to strengthen the outcome of the political process, resolve their differences through dialogue and cooperation, and implement the Dayton Peace Agreement in a comprehensive manner with a view to achieving greater progress in all areas of State-building.

The question of Bosnia and Herzegovina is extremely complex and sensitive. The international community should take a balanced and prudent approach

by fully respecting the leadership and ownership of the people of Bosnia and Herzegovina, and commit itself to playing a positive role in promoting unity and cooperation among all the ethnic groups of the country. China supports High Representative Inzko in his efforts to fulfil his mandated activities in an appropriate and constructive manner and to continue to play a positive role in promoting the political process in Bosnia and Herzegovina.

China welcomes the assistance provided by the International Monetary Fund in maintaining the financial and economic stability of Bosnia and Herzegovina. China is prepared to join the international community in its ongoing efforts to make its due contribution to the peace, stability and development of Bosnia and Herzegovina.

Ms. Lucas (Luxembourg) (*spoke in French*): I too thank the High Representative for Bosnia and Herzegovina, Valentin Inzko, for his briefing and commitment.

Luxembourg associates itself with the statement to be made by the observer of the European Union.

The High Representative has painted a bleak picture of the situation in Bosnia and Herzegovina. The negative trend of recent years has continued. Economic performance remains below the country's potential. Inter-institutional deadlock persists. Statements made by Republika Srpska leaders questioning the sovereignty and territorial integrity of Bosnia and Herzegovina have become more frequent. Bosnian politicians have failed to implement the reforms necessary to move the country forward on the path to European Union membership, even though such membership is the stated objective of the leaders of the country and desired by the vast majority of Bosnians. The question of military property, which has been pending for years, continues to prevent any progress in the implementation of the NATO membership action plan. Much remains to be done in the fields of the rule of law, the fight against corruption and the protection of human rights. Of particular importance in that regard is the implementation of the judgement of the European Court of Human Rights in the *Sejdic-Finci* case in order to ensure the equality of all citizens before the law.

Luxembourg shares the concerns expressed by the High Representative, but we must not stop there. We must look forward; hence the importance of the ongoing concrete and multifaceted support that the European Union provides to the institutions and citizens of Bosnia and Herzegovina. This support focuses on the rule of law, institutional reform with a view to the establishment of efficient governance, the maintenance of order and security, and economic reforms. The events that took place in February in several several Bosnian cities reflect the impatience of citizens calling for an improved socioeconomic situation. All citizens, especially the young, require new opportunities. The political leaders of the country must create them.

The international community is ready to actively support the efforts of the Bosnians. We welcome in this respect the launch of the Compact for Jobs and Growth, to take place on 26 and 27 May in Sarajevo with the support of the European Union. The Compact is intended to assist the institutions of Bosnia and Herzegovina to define concrete structural socioeconomic reforms to boost the economy and stimulate job creation in the short and medium terms.

We appeal to the political leaders of Bosnia and Herzegovina to start listening to the public and to meet the legitimate concerns of citizens in dialogue with civil society. We share the hope expressed by the High Representative that the increased civic engagement embodied by the plenums — the civic groups that formed as a result of the events that took place early this year — will lead to greater accountability on the part of Bosnian leaders at the local and national levels. The prospect of the general elections in October should encourage policymakers to intensify their efforts to address the grievances of citizens.

It should be noted that the security situation remained generally calm over the past six months. Polls show that the vast majority of Bosnians feel safe. The European Union Force has not had to intervene to restore peace. That represents a trend to be welcomed.

Let me conclude by emphasizing that separatist rhetoric intended to sow division has no place in Bosnia and Herzegovina. Luxembourg reaffirms its deep conviction that the future of Bosnia and Herzegovina as a sovereign, united, stable, prosperous and multiethnic State is within the European family, like its neighbours. We know that this belief is shared by the international community, the countries of the region and the vast majority of Bosnian citizens. Bosnia and Herzegovina can count on the continued support of Luxembourg to help realize its European destiny.

Mr. Laro (Nigeria): I thank High Representative Inzko for his briefing. I also commend him for the diligent manner in which he has carried out his mandate.

Nigeria notes with concern the limited progress made in implementing the Dayton Peace Agreement, the frequent calls of the President and officials of Republika Srpska for secession from Bosnia and Herzegovina, and the public attacks against key State institutions. We share the concern of the High Representative over statements made by public figures. Promoting secession could have a destabilizing effect on the country. Such divisive rhetoric is inimical to national cohesion and could indeed have negative consequences for the peace and stability of the region.

Another threat to the cohesion of Bosnia and Herzegovina is the use of constitutional blocking mechanisms at the State level to prevent the country from making progress, and then exploiting that to justify calls for the dissolution of the country. Political leaders, especially at the State level, must understand that the country's Constitution precludes the possibility of secession. We urge them to refrain from calling for the dissolution of the country. We support efforts to strengthen the State at the national level while preserving the rights and prerogatives of all communities.

We note with concern the other challenges to the General Framework Agreement for Peace, mentioned in the report before the Council (S/2014/314), including the blocking of the functioning of Bosnia and Herzegovina's central institutions, challenges to the competencies of those institutions, challenges to the single economic space in Bosnia and Herzegovina, and challenges to national judicial institutions. We urge political leaders in Republika Srpska to cooperate with the central Government and refrain from taking steps that would challenge the constitutional authority of the central Government and relevant central institutions. It is necessary for leaders at the State level to appreciate the limits of power at that level.

We call for more support for the revised strategy for the implementation of annex VII of the General Framework Agreement for Peace, which addresses issues of non-discrimination, non-segregation and inclusiveness. Nigeria would like to see all the citizens of Bosnia and Herzegovina accorded equal status across the country regardless of their ethnicity. We therefore urge political leaders to refrain from adopting residency laws at the entity level that are solely within the competence of the central Government and do not comply with the provisions of the General Framework Agreement for Peace.

We are pleased to note that more active engagement by citizens has led to greater accountability on the part of the Government and has encouraged the political class to refocus its energies on serving the interests of citizens. As the High Representative said in his briefing, that has the potential of deepening democracy and fostering good governance in the country.

As Bosnia and Herzegovina approaches the general elections in October, we are concerned that the Constitution grants only ethnic Bosniaks, Serbs and Croats the right to contest in presidential and parliamentary elections. That curbs the political rights of the citizens of Bosnia and Herzegovina who do not belong to those three ethnic groups and effectively shuts them out of elective office. In the interest of inclusiveness, we would like to see that law changed so that all citizens of Bosnia and Herzegovina can participate freely as candidates in elections.

Mr. Mangaral (Chad) (*spoke in French*): I would like to thank you, Mr. President, for having organized this important follow-up meeting on Bosnia and Herzegovina. I also thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing and for his report (S/2014/314, annex).

Bosnia and Herzegovina emerged as a result of one of the deadliest European crises since the fall of the Berlin Wall. In spite of the adoption, in December 1995, of the General Framework Agreement for Peace, whose overall goal was to consolidate peace and establish a tripartite governing system in order to preserve territorial integrity, challenges continue to persist all these years later. Bosnia and Herzegovina finds itself in a situation in which the growing popular frustration and disatisfaction, the rise of nationalism, the legislative stalement at the federal and local levels, the challenges in holding of general elections in October and the delay in achieving objectives and conditions set by the the Office of the High Representative threaten the foundations of the nation State.

First, with regard to the demonstrations that began in February in Tuzla, which then spread to Zenica, Mostar, Sarajevo and elsewhere, we deplore the violent turn of the protests and the resulting injuries and major damage to property. We nevertheless commend and welcome the protesters' initiative in setting up plenums

as vehicles for dialogue in which to air complaints, thereby illustrating their capacity to organize and their desire to engage for the public good. Owing to the nature of their complaints — which called for reducing the salaries and privileges of elected officials and reviewing privatization and socio-economic reforms — the plenums have come to serve as genuine and responsible interlocutors when it comes to development, and that in a country in which the unemployment rate exceeds 40 per cent. That type of participation assures the basis for democracy in Bosnia and Herzegovina. The country's leaders should take advantage of those achievements and turn them into an element of national consensus.

We believe that diversity is an a crucial aspect in building the nation State. Acts of exclusion and discrimination linked to the conflict in the Balkans are supposed to be resolved through the Dayton Agreement. We deplore the fact that the new situation in Bosnia and Herzegovina is marked by major political differences. We also deplore the secessionist and pro-independence rhetoric, which poses a serious threat to the country's unity and stability. We condemn such acts and call on political actors to respect the territorial integrity of the country.

Chad welcomes the planned holding of general elections in October, in connection with which the Parliament set up an inter-agency working group in November 2013 to develop a law and prepare for the elections in the country. We also commend the efforts made by the federal Government to continue to function regularly and to pursue its efforts in drafting and adopting new laws in an unstable and fragile institutional context. The inability of State institutions to function normally owing to infighting saps the willingness to address political, legal and economic issues. We encourage the Government of Bosnia and Herzegovina to undertake economic reforms likely to contribute effectively to addressing the social situation in the country and fomenting good governance.

In conclusion, my delegation reiterates its support for the efforts of the Office of the High Representative in Bosnia and Herzegovina. We urge the international community, and the Security Council, the European Union and NATO in particular, to redouble their efforts to provide Bosnia and Herzegovinca with the necessary assistance to consolidate national unity and strengthen its institutional capacity for the sake of peace and stability.

The President: I shall now make a statement in my capacity as the representative of the Republic of Korea.

My delegation welcomes to the Council High Representative Valentin Inzko. We appreciate his briefing.

While we acknowledge recent positive developments such as the appointment of Constitutional Court judges, it is disappointing that the lack of agreement among political actors continues to have a negative impact on the overall reform process in Bosnia and Herzegovina. We are also concerned that the ongoing political gridlock has undermined the country's progress towards Euro-Atlantic integration and fanned economic hardship, producing high unemployment. The protests that started in early February obviously attest to the frustration of the people. Another worrying trend is the increased divisive rhetoric challenging the sovereignty and territorial integrity of the country. Commitment to the unity of Bosnia and Herzegovina as one sovereign country is the very foundation of the Dayton Peace Agreement. We reiterate our full support for the sovereignty and territorial integrity of Bosnia and Herzegovina.

Given the current lack of ownership by political stakeholders, the plenums that emerged as a platform for civil society are a welcome development. We hope that new form of constructive political discourse can help to enhance accountability in the politics of Bosnia and Herzegovina. We also call for more dialogue among all political stakeholders with a view to bringing about concrete reforms, including the long-overdue implementation of the *Sejdić- Finci* ruling. We hope that the elections in October will provide momentum with which the country can move forward towards a more equitable democracy.

Before I conclude, I would like again to express our full support for the efforts of the High Representative.

I now resume my functions as President of the Council.

I give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): We would like to reiterate that the security situation in the country remains calm, peaceful and stabile. The European Union (EU) military mission in Bosnia and Herzegovina continues to play an important role in supporting our efforts in dealing with threats that could

undermine a safe and secure environment, in accordance with the relevant Security Council resolutions. In addition, we take this opportunity to reiterate our appreciation to those Member States that participate in the EU-led force in Bosnia and Herzegovina.

With regard to the functioning of the highest State institutions, the Presidency of Bosnia and Herzegovina has been meeting regularly. Bearing in mind that Bosnia and Herzegovina has moved from being a host country to one that now participates in United Nations peacekeeping operations, as well as in NATO operations such as the International Security Assistance Force, we would like to highlight that the Presidency has adopted decisions on extending the participation of Bosnia and Herzegovina in international operations in Afghanistan, on peacekeeping operations in the Democratic Republic of Congo and on the contribution of troops to the United Mission in Mali.

As to the references in paragraph 30 of the report that the Presidency of Bosnia and Herzegovina was unable to agree on situation in Ukraine, I would like to clarify the following. While we deeply appreciate the role of the High Representative in overseeing the implementation of the agreement without being responsible for the evaluation of foreign policy decisions, I want to remind the Security Council that the Presidency is responsible for conducting the foreign policy of the country and makes decisions by consensus on all foreign policy issues according to the Constitution of Bosnia and Herzegovina.

Furthermore, I would like to remind the Security Council that my country is fully determined to promote a peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations. In that regard, the Presidency issued a statement on 6 March that called on all the parties to the dispute in Ukraine to refrain from the use of force and to immediately engage in political dialogue to resolve the situation in the interests of peace and regional and global stability.

We believe that involving women in conflict prevention and mediation and deploying women protection advisers to United Nations peacekeeping and special political missions are crucial to building and reinforcing peace. We have been working on additional efforts to advance that issue and have adopted a policy whereby one third of candidates nominated for peacekeeping missions must be women.

The Council of Ministers of Bosnia and Herzegovina also continued to convene on a regular basis, adopting new laws and sets of amendments to existing legislation. Those included the 2014 State budget, the public procurement law and amendments to the law on the electricity transmission company and amendments to the law on money laundering and the financing of terrorist activities. The work plan of the Council of Ministers for 2014 was also adopted, as were a framework budget for the period 2014 to 2016 and a partnership action plan for NATO for the same period.

As in all other countries of the world, we have our own challenges. We face difficult economic crises and bitter austerity measures with negative implications on all aspects of human life. In that connection, we would like to inform the Council that protests against poor economic conditions took place in several major cities of the country on 7 February. The Council of Ministers held two sessions with the relevant State-level law enforcement agencies to discuss how best to improve the provision of security for the institutions of Bosnia and Herzegovina.

However, the challenges we face will not discourage us from fighting for better respect of human rights and a better life for our citizens. We see a need to work on eliminating all serious obstacles in order to achieve the noble goal of universal respect for human rights. Without sustainable progress on the protection of all human rights, especially economic and social rights, including strengthening the rule of law and anti-corruption and financial accountability measures, there is no sustainable development and security. All those components are mutually reinforcing. In that regard, we welcome the European Union's readiness to support initiatives to improve economic governance, strengthen competitiveness and stimulate economic growth in my country.

Peaceful societies are the basis for sustainable development. That is the reason that we are dedicated to working for the future, which means more work on political will and the allocation of resources in order to ensure the implementation of strategies and programmes for development. In addition, there is also the issue of the accountability and ensuring quality of life for our citizens, especially women, girls and youth, in dignity with equal opportunities, including access to health services, education and meaningful employment.

In addition, we would also like to inform the Council that the Parliament of Bosnia and Herzegovina

and the House of Peoples have adopted amendments to legislation that regulate the issuance of citizen identification numbers. In accordance with the provisions of the election law of Bosnia and Herzegovina, we expect the Central Election Commission of Bosnia and Herzegovina to announce this month the holding of general elections to take place in October.

Bosnia and Herzegovina has made significant progress towards European integration despite all the complexities present within its society. Genuine commitment to the European path has been our highest priority. In that regard, we would like to take this opportunity to commend the European Union's increased engagement and heightened role in our country, including the enhanced presence by the combined European Union Special Representative and its delegation.

My country remains a potential candidate for European Union membership. The Stabilization and Association Agreement between Bosnia and Herzegovina and the European Union was ratified in 2011 but has not yet entered into force. However, the Agreement's trade-related part came into force upon its signing and has been successfully implemented ever since 2008 in all its domains.

Nonetheless, political dialogue aimed at finding solutions for all open questions has continued so that the Agreement can come into force. That would enable the country to submit a credible application for European Union membership. We strongly believe that Bosnia and Herzegovina's progress along the European Union's enlargement path is also in the interests of all European Union member States. Therefore, serious and progressive engagement by the European Union is important to helping our country to facilitate the implementation of the necessary reforms on our path towards a European future. Such engagement would also be a constructive way of resolving the outstanding difficulties and fostering the dynamic of the integration process.

We are also making additional efforts necessary for completing the "5+2" agenda, which is obligation for the closure of the Office of the High Representative and for the resolution of all outstanding issues. The implementation of the *Sejdic-Finci* judgment of the European Court of Human Rights also remains to be addressed.

The International Tribunal for the Former Yugoslavia has played an important role in the prosecution of those responsible for serious violations of international law on the territory of the former Yugoslavia. The Tribunal is supposed to serve as a constant reminder that there is no impunity for such serious crimes. We still insist on our common goal to investigate the crimes that were committed and to adequately prosecute the perpetrators of those crimes, regardless of their ethnicity. In that light, Bosnia and Herzegovina continues its constructive cooperation with the Tribunal. Considering that the Tribunal will soon complete its mandate, further processing of war crimes will have to be transferred to national judicial systems.

As regional cooperation also plays an important role, we are certain that the protocol on the exchange of evidence and information on war crimes, signed between the Offices of the Prosecutors of Bosnia and Herzegovina, Serbia and Croatia, will serve as an impetus towards strengthening communication and enhancing coordination among the Offices. My country remains dedicated to further promoting and increasing regional cooperation, which is in the common interest of the countries in the region.

The implementation of the existing human rights instruments, sustainable return and local integration of refugees and internally displaced persons (IDPs) remains the priorities of Bosnia and Herzegovina. We continue good cooperation between partner countries in the framework of the Sarajevo process on refugees and IDPs, and see that the comprehensive and coordinated return of refugees and IDPs throughout the region is crucial to lasting peace.

Regarding the initiative launched by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the past year and renewed recently, on eventually declaring the termination of refugee status for the refugees from Bosnia and Herzegovina, we believe that the UNHCR decision to terminate that status needs to be further discussed, especially bearing in mind the effect of such a decision on the situation in Bosnia and Herzegovina. Such determination on the part of the UNHCR would most likely have an impact on the situation of those groups, for which the conditions to return to their pre-war homes have not been met. Annex VII of the Dayton Peace Agreement guarantees to all refugees from Bosnia and Herzegovina, as well as

internally displaced persons, the right to return to their pre-war homes.

The current figures from UNHCR provide strong evidence that the parties to annex VII have not yet created the conditions necessary for the voluntary return of refugees and IDPs to their pre-war homes. Therefore, we strongly believe that the proposed declaration of cessation of refugee status jeopardizes the realization of the objectives of the revised strategy for the implementation of annex VII of the Dayton Peace Agreement. For those reasons, I would like to inform the Council that my country does not support the decision to terminate refugee status in 2014, but insists that consideration of the cessation of refugee status be postponed until 2017, the time of the expected completion of the regional housing programme as well as other programmes currently under way.

We are aware that States bear the primary responsibility to respect and ensure the human rights of individuals within their territories. we are fully committed to addressing all forms of violence against women and girls, including sexual violence in conflict. the protection of women in conflict situations and ending impunity remain our utmost priorities. we have a track record of definitive action to implement resolution 1325 (2000), and we were the first country in South-East Europe to develop a comprehensive national action plan for its implementation. With the aim of improving the overall situation of female victims of rape, we have made efforts to finalize the process of developing a second action plan for the implementation of resolution 1325 (2000), which contains important provisions for survivors of conflict-related sexual violence.

This year, Bosnia and Herzegovina presented a candidate for the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). If elected, our candidate will place her priorities on prevention and on raising awareness of those most important issues. She will continue fighting prejudice and impunity. My country attaches great significance to its candidature and hopes thereby to advance the CEDAW agenda.

We are making additional efforts to resolve the remaining border and property issues with neighbouring countries. Regional cooperation and good-neighbourly relations form an essential part of Bosnia and Herzegovina's process of moving towards the European Union. We continue our active involvement in regional initiatives and have further developed our bilateral relations with other enlargement countries and neighbouring European Union member States. Regional cooperation is one of the foreign policy priorities of Bosnia and Herzegovina and the entire region. It is an important element in the implementation of the Dayton Peace Agreement and indicates the scope of my country's foreign policy. My country is committed and dedicated to the development of friendly relationships with its neighbours, to the processes of European integration, and to the resolution of outstanding issues in the European spirit.

In spite of the positive developments in the country, we are aware of the stand-off in the political process. It is necessary to develop a positive atmosphere that will foster constructive political dialogue leading towards the resolution of the outstanding issues. All changes in Bosnia and Herzegovina must be based on the rule of law. Therefore, the full implementation of the Dayton Peace Agreement is imperative.

In conclusion, I would like to remind the Permanent Representative of the Russian Federation that, in accordance with the Constitution of Bosnia and Herzegovina, Bosniaks are one of the three constitutive peoples and that referring to them as Muslims is not in accordance with our Constitution.

The President: I now give the floor to the Deputy Head of the Delegation of the European Union to the United Nations.

Mr. Vrailas: I have the honour to speak on behalf of the European Union (EU). The candidate country Montenegro and Ukraine align themselves with this statement.

I join other speakers in welcoming High Representative Valentin Inzko back to the Council and would like to reassure him of our continued support.

Bosnia and Herzegovina continues to face challenges that arise largely from the lack of political will on the part of the political leaders of Bosnia and Herzegovina to look beyond their narrow ethnic and party interests and to work out compromises necessary to move the country forward in a number of areas of key importance. The country is increasingly lagging behind others in the western Balkans region, particularly as regards domestic, political and economic reforms and progress towards the European Union. The prolonged political stalemate and the absence of positive momentum in the domestic reform process lead to the further weakening of an already fragile economy and

put a heavy burden on the socioeconomic standing of the citizens of Bosnia and Herzegovina.

In February 2014, disillusioned citizens of Bosnia and Herzegovina engaged in public protests, expressing their discontent with the deteriorating socioeconomic situation and with the inability of the country's political leaders to work out and implement relevant solutions. The protests that spread across the country should be seen as a wake-up call, rung by the Bosnians themselves to their political leaders and to the international community. We continue therefore to call on the leaders and politicians of Bosnia and Herzegovina to engage in dialogue with their citizens.

The lack of progress in implementing necessary political and economic reforms, the continued use of divisive rhetoric, and deeply rooted divisions among political parties continue to cause considerable headwinds for the efforts of those who want to see Bosnia and Herzegovina as a united, stable, viable, multi-ethnic and prosperous State, cooperating peacefully with its neighbours and irreversibly on track towards European Union membership. We therefore urge the country's political leadership to overcome its divisions and to undertake the reforms necessary to move the country forward in its EU integration process.

In light of necessary socioeconomic reforms and citizens' discontent, the European Union has now broadened its political dialogue with Bosnia and Herzegovina in order to place more emphasis on the socioeconomic and rule of law agenda. Over the past six months, the European Union has continued its strong engagement to anchor Bosnia and Herzegovina on the EU path. We believe that it is important that all of Bosnia and Herzegovina's obligations under the Interim Agreement on trade and trade-related matters be fulfilled as a matter of priority. The *Sejdic-Finci* ruling embodies the principle of ethnic non-discrimination, which is at the core of the values promoted by both the European Union and the United Nations. The implementation of the ruling remains a requirement for Bosnia and Herzegovina's progress towards the EU.

The EU Foreign Affairs Council discussed the situation in Bosnia and Herzegovina on 10 February. It expressed concern, but also noted that developments in the country showed a need for Bosnia and Herzegovina to keep the focus on the EU agenda, and for the European Union to broaden its political dialogue with the country. In April, the Foreign Affairs Council adopted conclusions that supported the broadening of the EU agenda and engagement towards the country. The Council reaffirmed the messages delivered by High Representative/Vice-President Ashton during her visit to Bosnia and Herzegovina on 12 March, urging political leaders to provide an immediate response to the grievances of the public, particularly as regards the socioeconomic agenda.

To facilitate this, the European Union, in coordination with key international financial institutions operating in Bosnia and Herzegovina, is putting forward an initiative called the Compact for Jobs and Growth, which aims at assisting the authorities of Bosnia and Herzegovina to undertake key reforms in this regard. The initiative will be launched at the Forum for Prosperity and Jobs on 26 and 27 May in Sarajevo. It is of key importance that the institutions of Bosnia and Herzegovina engage constructively in these efforts.

Also, as announced by Commissioner Füle during his visit to Sarajevo on 17 February, the European Commission will further strengthen its efforts to assist Bosnia and Herzegovina to improve economic governance, to facilitate the country's capacities in absorbing EU pre-accession assistance, and to achieve progress in the fight against corruption. Some of the concrete initiatives in this regard were also further elaborated at a conference of the European Bank for Reconstruction and Development on 24 February in London.

Beyond these challenges, which require immediate attention, it is becoming increasingly evident that the efficiency and functionality of the institutions of Bosnia and Herzegovina in general need to be significantly improved, not only in order to build the capacities required in context of EU accession, particularly as regards the coordination among various levels of governance, but also to ensure the sustainability and continuity of democratic and social reforms undertaken since 1995. In this sense, the Council reaffirmed its determination to actively and intensively engage in support of this process, in close coordination and cooperation with its main international partners.

It is our expectation that the progress made by the rest of the region, and in particular the progress towards the normalization of relations between Serbia and Kosovo, the accession negotiations with Montenegro and the steps undertaken by other countries in their EU accession processes, will stimulate renewed reform efforts, generate a sense of urgency among the country's leaders, and offer reassurance to its citizens.

The recent entry of Croatia into the European Union has made Bosnia and Herzegovina a direct neighbour of the EU, with a joint land border that is 1,000 kilometres long. This provides both the European Union and Bosnia and Herzegovina with the opportunity to additionally strengthen our mutual relationship and enhance cross-border cooperation. The role of neighbours cannot be overestimated — living by example, showing the positive effects of EU-related reforms, engaging positively and sending the right messages.

Since September 2011, the European Union has consolidated its presence in Bosnia and Herzegovina and is fully engaged in supporting Bosnia and Herzegovina in all EU-related matters. Our EU Special Representative/Head of Delegation is also offering the EU Force Commander local political guidance.

The European Union continues to accompany Bosnia and Herzegovina's progress in the security field. The February events exposed a number of challenges in the area of law and order, particularly as regards cooperation, coordination and interoperability among various law enforcement agencies. The EU is already engaging in this regard, with its international partners, to assist the authorities of Bosnia and Herzegovina in resolving these issues. EUFOR Althea remains primarily focused on capacity-building and training, while retaining the capability to contribute to the deterrence capacity of the authorities of Bosnia and Herzegovina if the situation so requires. The European Union will keep the operation under regular review, including on the basis of the situation on the ground, with a view to making progress in establishing conditions conducive to the delivery of its mandate.

The European Union, in line with the Foreign Affairs Council conclusions of April, reaffirms its unequivocal commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country. The European Union also reiterates its unequivocal commitment to Bosnia and Herzegovina's EU perspective. In this regard, it condemns as unacceptable secessionist and divisive rhetoric and ideas.

In the context of the overall EU strategy for Bosnia and Herzegovina, we look forward to continuing discussions with the international community on the reconfiguration of the international presence, in the appropriate forum, and call on the authorities of Bosnia and Herzegovina to meet the outstanding objectives and conditions for the closure of the Office of the High Representative. In this regard, the European Union reminds the leaders of Bosnia and Herzegovina of the need to fully cooperate with the Office of the High Representative and to provide the Office with the access necessary to officials, institutions and documents to carry out their mandate.

The European Union remains ready to provide the necessary assistance to boost the progress towards Bosnia and Herzegovina's European integration. It is this approach that will take the country forward on its reform agenda, towards stability and development, on its path to the European Union.

The President: I give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): I would like to join other speakers in welcoming High Representative Inzko and express our thanks for his briefing and report (S/2014/314). I would also like to extend our appreciation for the personal efforts he has been investing in carrying out his difficult mandate.

Croatia aligns itself with the statement just delivered by the observer of the European Union, but I would like to add several remarks in my national capacity.

The importance Croatia attaches to the territorial integrity, stability and functionality of Bosnia and Herzegovina is of the highest degree. We firmly believe that a stable and functional Bosnia and Herzegovina is essential for the stability and prosperity of South-East Europe and beyond. The Dayton Peace Agreement created a specific political system based primarily on ethnic representation, which rests on genuine equality between three constitutive peoples. This equality is a prerequisite for the stability of Bosnia and Herzegovina.

However, a complicated institutional set-up created by Dayton is often exploited by political elites, resulting in the present political and institutional stalemate. The protests in Sarajevo and other cities in Bosnia and Herzegovina earlier this year were a clear expression of citizens' frustration with the disfunctionality of the system and the deteriorating socioeconomic situation in the country. These events were a direct consequence of the lack of progressive steps taken by political elites and an indication that Bosnia and Herzegovina must embark on the reform processes in order to ensure stability and prosperity. Otherwise, the country might face further destabilization, including along ethnic lines.

We encourage the political leaders of Bosnia and Herzegovina to rise above their narrow ethnic interests in the upcoming election campaign. The citizens of Bosnia and Herzegovina deserve a fresh perspective that incorporates the recognition and fulfilment of their social and economic needs.

We share the High Representative's concern and condemnation of those in Republika Srpska who continue to challenge the territorial integrity and sovereignty of Bosnia and Herzegovina. The secessionist and divisive rhetoric by the President and other high officials of Republika Srpska is completely unacceptable.

In order to achieve our common goal — a stable, functioning and prosperous Bosnia and Herzegovina — we need to come up with a realistic strategy that takes into account the situation on the ground. The clear prospect of European Union membership constitutes beyond doubt the best stability and security framework within which Bosnia and Herzegovina can achieve steady progress. The European Union accession process serves as the best blueprint for State-building reforms, strengthened administrative capacities and good governance — all of which Bosnia and Herzegovina is in dire need of.

We encourage the leaders of Bosnia and Herzegovina to find the necessary political will to implement the *Sejdic-Finci* ruling and to pursue other reforms, including those in the military sector.

Envisioning a tailor-made approach for Bosnia and Herzegovina's European integration process is essential. We should consider identifying concrete deliverables, beyond the *Sejdic-Finci* ruling, that would keep the country's integration process tangible and feasible. That should not mean lowering the criteria, but helping Bosnia and Herzegovina meet all of them. The fundamental logic of such an approach is in its conditionality. The pace and progress of Bosnia and Herzegovina's integration in the European Union should be directly linked to the pace and progress of its political, legal and administrative reforms, and every substantial bit of progress should be equally rewarded.

Croatia stresses the importance of the continuous high-level engagement on behalf of the European Union and the international community. At the same time, we expect to see the authorities of Bosnia and Herzegovina engage constructively in the recent initiatives by the European Commission, the European Union Special Representative in Bosnia and Herzegovina and some member States, the aim of which is to give impetus to the European Union integration process, which is now lagging behind.

We support all initiatives aimed at improving economic and social cohesion, the active engagement of civil society and youth, and institution-building capacities and their functionality and efficiency.

Let me conclude by reiterating the readiness of Croatia, as the only European Union member State that directly borders Bosnia and Herzegovina, to continue to cooperate closely with our neighbour on all issues and to provide Bosnia and Herzegovina with strong and continuous political and technical support in the process of its European Union integration. We remain conscious of all the legitimate needs and rights of Croats in Bosnia and Herzegovina. They are the smallest of the three constituent people in Bosnia and Herzegovina, but of course they remain equally important. We will continue to extend our support to them.

Bosnia and Herzegovina's troubled history is, at present, unfortunately often much more a source of tensions and disputes than the springboard for a better future. That is all the more reason to intensify our joint efforts in extending to Bosnia and Herzegovina all the support and assistance required.

On a positive note, just a few days ago, we witnessed the return of the famous Sarajevo City Hall to its old glory, after it was devastated during the siege of the city in the 1990s. The restoration of that iconic building, which is the symbol of Sarajevo, should be a harbinger of the better days that await that important European country.

Finally, on a much more informal note — and a positive one as well — I would like to wish Bosnia and Herzegovina every success in the upcoming World Cup in Brazil. That is a small but telling example of how Bosnia and Herzegovina can be successful on the world stage when it gets its act together.

The President: I now give the floor to the representative of Serbia.

Mr. Milanović (Serbia): First of all, I would like to welcome His Excellency Mr. Valentin Inzko, High Representative for for Bosnia and Herzegovina, and thank him for his report to the Council (S/2014/314, annex).

Serbia considers Bosnia and Herzegovina one of its closest partners. As a guarantor of the Dayton Peace

Agreement, Serbia continues to be firmly committed to respect for the territorial integrity and sovereignty of Bosnia and Herzegovina and considers that all key decisions regarding the future of the country should be agreed among all its political actors. We support all agreements reached by the entities of Bosnia and Herzegovina aimed at promoting the well-being of all three constituent peoples.

Home to 1.5 million Serbs, Bosnia and Herzegovina is also our third-largest economic partner. Two days ago, the Prime Minister of Serbia, Mr. Aleksandar Vučić, made his first official visit abroad — to Sarajevo. Surely, that visit is a clear reflection of the importance that Serbia attaches to its relations with Bosnia and Herzegovina and its entities and of my country's commitment to promoting those relations at the highest possible level and on the basis of good neighbourliness.

My country fully supports Bosnia and Herzegovina's European integration and the cooperation between the two countries within that process. In that context, we point out in particular the importance of the commission for the implementation of the action plan of the memorandum for cooperation in the field of European integration, the first meeting of which was held in Sarajevo on 5 June 2013, with the next one expected to take place in the first half of 2014.

We share the interest of Bosnia and Herzegovina in exchanging experiences on the fulfilment of the Copenhagen criteria and its readiness for coordination on the road towards the European Union. We are ready to help Bosnia and Herzegovina on that road and share with it the experience gained with respect to the technical membership conditions that Serbia has fulfilled.

Serbia calls for an intensification of regional cooperation. It considers that a politically and economically stable region of South-East Europe is one of the basic preconditions for its own economic development. In particular, my country is interested in promoting cooperation within the Central Europe Free Trade Agreement, in signing in the coming period a memorandum of understanding on third markets and in the initiative by Bosnia and Herzegovina on the establishment of a consortium of Bosnian and Serbian companies after the signing of that memorandum.

In the field of economic cooperation, which is one of the most important components of bilateral cooperation, Serbia is interested in promoting business, investment, trade and military-economic cooperation. Of particular importance in that process is the role played by the Joint Commission for Economic Cooperation, the expected joint meeting of the Government of the Republic of Serbia and the Council of Ministers of Bosnia and Herzegovina, the forthcoming visit of President Nikolić to Bosnia and Herzegovina and the meeting of the Interstate Border Commission. The resumption of the work of the Interstate Council for Cooperation would also be welcome.

In good faith and with a view to mutual interests, Serbia continues to cooperate with Bosnia and Herzegovina in addressing all outstanding issues, which are significantly reduced in number now, in direct contacts and talks without intermediaries. Those issues include demarcation, refugees and missing persons, and the process of succession.

We share the concern of High Representative Inzko regarding the recommendation by the Office of the United Nations High Commissioner for Refugees to lift the refugee status of refugees from Bosnia and Herzegovina and the region. Serbia has not accepted the recommendation of the Office of the United Nations High Commissioner for Refugees of 4 April 2014 because it has a negative effect on the protection of refugees and is detrimental to the implementation of the Regional Housing Programme and the process of reconciliation. Alongside with Bosnia and Herzegovina, we have continually pointed out that the recommendation is premature.

As the country with the largest number of refugees in the region, Serbia calls for the adoption of lasting, just and sustainable solutions that will address the needs and respect the rights of long-displaced vulnerable populations. In that context, in cooperation with Bosnia and Herzegovina, Croatia and Montenegro, we have worked hard on addressing refugee issues and, in particular, implementing the Regional Housing Programme. We have invested every possible effort in reaching reconciliation and promoting development and stability in the region. To achieve these goals, my country will continue to support the overall development and progress in Bosnia and Herzegovina.

The President: There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.

United Nations S/PV.7177

Security Council

Sixty-ninth year

Provisional

7177th meeting
Monday, 19 May 2014, 3 p.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. Quinlan
	Chad	Mr. Cherif
	Chile	Mr. Barros Melet
	China	Mr. Zhao Yong
	France	Mr. Lamek
	Jordan	Mr. Omaish
	Lithuania	Ms. Murmokaitė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Iliichev
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Mr. Sherman
	United States of America	Mr. DeLaurentis

Agenda

The situation in Guinea-Bissau

Report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau (S/2014/332)

Report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (S/2014/333)

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The meeting was called to order at 3 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Guinea-Bissau

Report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau (S/2014/332)

Report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (S/2014/333)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Guinea-Bissau and Mozambique to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. José Ramos-Horta, Special Representative of the Secretary-General and Head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau, to participate in this meeting.

On behalf of the Council, I welcome Mr. Ramos-Horta, who is joining today's meeting via video-teleconference from Bissau.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Ambassador Antonio de Aguiar Patriota, Permanent Representative of Brazil, in his capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2014/332, which contains the report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau.

I also wish draw the attention of Council members to document S/2014/333, which contains the report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau.

I now give the floor to Mr. Ramos-Horta.

Mr. Ramos-Horta: I should like to inform the Security Council about who is in the room here with me, at a very symbolic moment. To my left is Mr. Gana Fofang, Deputy Special Representative of the Secretary-General and United Nations Development Programme (UNDP) Resident Representative, and to my right is the Minister for Foreign Affairs of Guinea-Bissau. I have also invited representatives of our international partners, including the African Union (AU), the Economic Community of West African States (ECOWAS), the Community of Portuguese-speaking Countries (CPLP) and the European Union (EU), as well as Ambassadors resident in Guinea-Bissau and my colleagues who make up the United Nations Integrated Peacebuilding Office.

It is once again my honour to introduce the Secretary-General's reports on the restoration of constitutional order in Guinea-Bissau (S/2014/332) and on the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) (S/2014/333).

Since the two reports were issued, the political and security environment in Guinea-Bissau has remained largely peaceful and calm. Nevertheless, following the conduct of the first round of the legislative and presidential elections on 13 April, national and international partners enhanced their collective efforts to create an atmosphere free from intimidation, coercion and fear, so as to contribute to the restoration of constitutional order. It was in that context that I held consultations with the Transitional President, Mr. Manuel Serifo Nhamadjo, which resulted in his hosting of a meeting on 30 April with the candidates in the run-off election — Mr. José Mário Vaz from the African Party for the Independence of Guinea and Cape Verde (PAIGC) and Nuno Gores Nabiam, an independent. Other senior leaders of the PAIGC and the Social Renewal Party, which is backing Mr. Nabiam, as well as all international partners, also attended the meeting. The aim of the meeting was to provide a formal platform for dialogue. Both presidential candidates and other leaders pledged to continue to work towards a peaceful electoral campaign and to accept the outcome of the election.

The joint command structure trained and established with the support of UNIOGBIS to help ensure lawful, coordinated security of the electoral process nationwide delivered on its tasks as planned, with the national police assuming the leading role and the military remaining

in reserve. The ECOWAS Mission in Guinea-Bissau rendered a most useful service to the activities of the joint command. I also visited all the regions of Guinea-Bissau, which are being assisted by the four United Nations field offices. I went to the most remote areas and met with local authorities and the population on matters related to stability, development and the return to constitutional order through elections. All those efforts contributed to an environment enabling all steps of the electoral process, including the recent conduct of a violence-free campaign by Mr. Nabiam and Mr. Vaz, supported by their political allies.

Yesterday, Bissau-Guineans went in large numbers to cast their ballots to elect the President. This morning I met the heads of all international election observation missions, who unanimously assessed that the process took place in an orderly and peaceful manner — hence providing an opportunity for all Bissau-Guineans to freely make their choices. They all expressed their hope and confidence that the results expected soon would be accepted by all.

In that regard, allow me to congratulate the transitional authorities, in particular Transitional President Serifo Nhamadjo and Transitional Prime Minister Rui Duarte de Barros, as well as the political parties, candidates, police, military, civil society organizations and the people of Guinea-Bissau as a whole, on that remarkable achievement. My sincere appreciation goes to all international partners, multilateral and bilateral, that contributed politically, financially and technically to the holding of the polls, including the historic success of the electoral registration. The ECOWAS leaders, in particular, deserve special gratitude and commendation for their steady engagement with all parties, including the military leadership.

The holding of legislative and presidential elections constituted the most critical step towards the restoration of constitutional order, as the Council demanded. Within a few days, the new National People's Assembly should be inaugurated, followed by the installation of the newly elected President. The new Government should be fully sworn in by the middle of June. I have encouraged the political leadership to ensure that it is inclusive and based on merit to best deliver on the priorities of the country. I have impressed upon all to ensure that in the post-election phase, the winners and losers of the election contest enter into a new partnership aimed at rebuilding the State and relaunching the socioeconomic development of Guinea-Bissau, within an environment of enduring stability.

Political factionalism, ethnic-based politics, mutual distrust and the lack of a culture of dialogue remain major challenges that should be tackled for the future stability of the country. The acrimonious civil-military relations, including civilian oversight issues, are yet to be addressed. Cases of gross human rights violations and impunity still await redress. The socioeconomic problems that continue to keep the country in poverty have been magnified over the past two years. Deforestation and depletion of the fisheries resources are endangering the future viability of the country.

It is clear that the newly elected State institutions are inheriting a bleak political, social, economic and security situation. The Government will have to mobilize all Bissau-Guineans to engage in a serious, inclusive and constructive dialogue in order to define a new direction for the country. A consensual national programme for the country's political stabilization and economic development will be the first step, alongside fast-tracking critical security sector reform (SSR), in line with resolution 2103 (2013). While the current political discourse of the main leaders reiterating their commitment to a focus on dialogue and rebuilding the State provides a reason for guarded optimism, the challenges are great and the risks are many.

UNIOGBIS has been supporting the National Commission for Planning and Strategic Coordination, which has been consulting with and preparing programme documents to be presented to the incoming Government. A series of workshops were also held to identify proposals for updating the national strategy document on SSR and the rule of law, which awaits review and approval by the new Government. I have also been promoting the notion that, in order to improve transparency and thereby confidence between Guinea-Bissau and its partners, the resources mobilized for stabilizing the country should be co-managed through a programme to improve governance efficacy. At the core of the idea is the deployment of international experts to key revenue-generating institutions or the strategic management of the key Government institutions with the assistance of international experts, if requested by the Government. From my consultations with many international partners, such a programme is crucial for ensuring the success of the envisaged donor

pledging conference. Bissau-Guinean partners also seem enthusiastic about the idea.

In that regard, I would like to reiterate the call of the Secretary-General for the Council to lend support to the donor pledging conference, which would contribute to securing the necessary funds for the implementation of such an initiative. The new authorities in Guinea-Bissau need to be urgently assisted so as to move towards a successful conference. Meanwhile, consideration may be given to an immediate and specific resource mobilization effort in support of critical security and defence reforms, as agreed by national partners.

As for the role of the international community, the message is clear. The end of the transition is the beginning of a new phase that will require our continued engagement and full commitment to assisting the people of Guinea-Bissau in addressing the country's deep-seated political, social and economic problems. In the immediate post-election period, the newly elected Government will need emergency budgetary support to allow it to cover, inter alia, outstanding salaries so that it can begin the necessary work of rebuilding the State in an atmosphere of calm and stability. Thereafter, the international community's long-term commitment to providing financial and technical support in order to ensure the rebuilding of the State and the relaunching of the economy will be critical. In that regard, I appeal to the Council to use its influence to contribute to the mobilization of resources for Guinea-Bissau's comprehensive road map for rebuilding the State, in line with resolution 2048 (2012).

With regard to the United Nations integrated presence in Guinea-Bissau, UNIOGBIS should, through the facilitation of a multilayered and multisectoral national dialogue, including on defence- and security-related issues, continue to support national peacebuilding and State reconstruction efforts, with a focus on stability and sustainable development in Guinea-Bissau. While the Mission should also continue to provide strategic and policy advice and contribute to human rights monitoring, promotion and protection, as well as gender-related matters, the United Nations agencies, funds and programmes should be supported in order to enhance their technical assistance to national stakeholders on issues relating to public administration reform, the provision of social services and the revitalization of the economy. For the latter, I call upon the international financial institutions to make every effort to enhance support for the socioeconomic revitalization of Guinea-Bissau.

I believe that, if we fail to immediately provide the required support to the new Government, the restored constitutional order runs the risk of collapsing very soon. Such a collapse of law and order in Guinea-Bissau, besides the loss of our efforts and investment thus far, could bring about more disastrous results than ever before seen in the country.

Last but not least, I wish to register my sincere appreciation and commendation for the role played by the United Nations country team in Guinea-Bissau, in particular, the United Nations Development Programme, whose resource mobilization and coordination role during this critical period, as well as its professionalism and dedication, contributed to the holding of the elections.

I have been a privileged witness to the exemplary performance, selfless professionalism and dedication of my colleagues within the United Nations country team and UNIOGBIS, who have been working in an integrated or coordinated manner. The trust, freedom and guidance that I and my colleagues have received from the Secretariat were invaluable. I am deeply grateful to the Secretary-General and the Under-Secretary-General for Political Affairs.

To end my intervention, I would like to reiterate my deepest appreciation to our partners, notably the African Union, the CPLP, ECOWAS and the European Union, for their joint efforts in supporting the implementation of the critical tasks mandated by the Security Council and in helping Guinea-Bissau to return to constitutional order. The continued united effort of the international community will be essential to ensure the stability and development of Guinea-Bissau.

The President: I thank Mr. Ramos-Horta for his briefing.

I now give the floor to Ambassador Patriota.

Mr. Patriota (Brazil): I thank you, Mr. President, for inviting me to address the Security Council in my capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission (PBC). Allow me to congratulate the people of Guinea-Bissau on their peaceful and active participation in the second round of presidential elections, which was a fundamental step in the country's history. I thank once again all of Guinea-Bissau's partners who contributed resources, technical

support and observers. Also, I would convey a very special word of appreciation for the invaluable work of Special Representative of the Secretary-General José Ramos-Horta, whose personal qualities and dedication have been an asset for the United Nations and a decisive contribution to the process.

As we await the proclamation of the results, let me outline some important discussions that have taken place in the Guinea-Bissau configuration during the past few months, with a view to contributing to future steps.

First, the configuration has been actively following the situation throughout the transitional period. By means of two press statements, it has called on all parties to respect the electoral outcome as the expression of the democratic will of the people of Guinea-Bissau. It has served as a forum to help improve the coordination among key regional and international partners — one aspect that is likely to become even more important as we prepare to resume full international cooperation with the country.

On the basis of my January visit to Bissau along with Assistant Secretary-General Judy Cheng-Hopkins, the configuration has also initiated early planning for the post-electoral engagement. In that regard, I had proposed to the configuration and to the Council that we consider three achievable medium-term peacebuilding objectives as our guidance in that process: the completion of a full democratic cycle in Guinea-Bissau, significant strides in food security and basic social indicators, and enhanced coordination and understanding to advance on the modernization of the security and defence sector.

I also believe that the configuration was able to strengthen its partnership with the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) and its coordination with Special Representative of the Secretary-General Ramos-Horta. The synergy with the Peacebuilding Fund (PBF) is also an important dimension, which is translated through the PBF's funding of projects ranging from support to the electoral process and the establishment of the National Commission for Planning and Strategic Coordination, to the promotion of women and youth employment.

Secondly, it is important to bear in mind that the pursuit of our first medium-term strategic objective, the completion of a full democratic cycle, has just begun. In all democratic systems, the formation of a Government is a complex process, and it is all the more so for a country such as Guinea-Bissau, emerging from institutional rupture and facing daunting social and economic challenges. We welcome the initial gestures of Prime Minister-designate Domingos Simões Pereira towards inclusion and dialogue.

As we have highlighted time and again, it is essential that international assistance be present from day one. Pressing issues such as the payment of salaries, especially for civil servants in the education and health sectors, and food security are also key elements for the consolidation of the democratic transition. Decisive and swift support is needed. I will remain in contact with Special Representative Ramos-Horta and other partners, such as the World Bank, in order to ensure that the PBC stands ready to help.

I believe that we find ourselves today better positioned, from a technical point of view, to reengage with Guinea-Bissau. The proposal of the Special Representative of the Secretary-General for a government efficacy amelioration programme that is aligned with the priorities identified by the new Government in order to ensure national ownership and based on broad consultations with all international partners can be a key element to enhance capacity and transparency. We look forward to working with the elected authorities on the review of the peacebuilding strategic framework and the possible cooperation with the PBF on a set of national peacebuilding priorities. We can already count on improved coordination among key partners and on encouraging and skilled leadership in Bissau. A successful transition is likely to mobilize both traditional and new partners, and that can well present a unique opportunity.

That leads me to my next consideration. Beyond the emergency budgetary support to keep a new Government running, we have welcomed the Special Representative of the Secretary-General's proposal that a donors' conference be held as early as possible, so that the willingness to re-engage on the part of the international community can materialize in much-needed concrete pledges and disbursements. At the same time, we understand that conditions need to be put in place for that support to be effective.

As noted by Assistant Secretary-General Judy Cheng-Hopkins during our configuration's most recent informal meeting, a donor's conference should not be seen as business as usual. We must communicate and

articulate in an effective way the improved technical basis for engagement, the concrete impact that can be achieved with modest amounts in Guinea-Bissau, the great potential of the country in agriculture, services and tourism, and, above all the people's desire to move past the cycle of poverty and instability.

Fourthly, with regard to the modernization of the security and defence sector, I believe that we will now be better positioned to devise a comprehensive and more effective strategy in support of legitimate authorities. The Economic Community of West African States has been playing an important leading role in that regard, and we should stand ready to continue to support its efforts — and the engagement of other partners — with resources and expertise. The PBC stands available to play a coordinating role and offer strategic advice by providing a platform that can bring together the main partners around common objectives.

That engagement can be important to help bring about the necessary political space for such complex processes to advance. As we have noted in the past, security sector reform in Guinea-Bissau cannot be viewed in isolation, and it should not concentrate solely on the top-level structures. It is linked to reforms in other key sectors: economic revitalization, reconciliation and political dialogue, and the creation of opportunities and political alternatives with a view to consolidating democratic stability.

I stress once again that it is key to ensure that no social group be perceived as being left behind and that all be granted their due recognition. Our expectations should also be attuned to such realities so as to help us devise the most effective strategies to advance on realistic objectives. In that connection, we look forward to the upcoming national conference on the modernization and restructuring of the security sector, which is scheduled to take place next month, and welcome the efforts of UNIOGBIS to promote dialogue and outreach on that issue.

That brings me to a final consideration, on the upcoming renewal of the UNIOGBIS mandate by the Council. As noted by Special Representative Ramos-Horta in our most recent configuration meeting, the linkage between the PBC, including as a political body, and UNIOGBIS should remain a key building block of the Office's mandate.

Resolution 2103 (2013) refers to the PBC's readiness to reengage with Guinea-Bissau once conditions allow and to the need to further realign the United Nations system's State-building and peacebuilding activities and the contribution of the Peacebuilding Fund to peace consolidation in Guinea-Bissau. It is my view that we have made some important strides in that direction already. Building on such strides, the Council could consider strengthening the elements of the UNIOGBIS mandate that refer to its partnership with the PBC and the potential for that partnership to help bring about enhanced coordination, additional strategic advice on a key set of core, achievable and nationally led peacebuilding priorities and greater synergy with the PBF and other institutional partners.

The President: I thank Ambassador Patriota for his briefing.

I now give the floor to the representative of Guinea-Bissau.

Mrs. D'Alva (Guinea-Bissau): On behalf on my Government and the people of Guinea-Bissau, I would like to thank you, Mr. President, for allowing my delegation to participate here in the Council and for giving me the floor.

I would like to commend the work of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) during its mandate and thank the Special Representative of the Secretary-General, Mr. José Ramos-Horta, for his tireless and wonderful work during the most difficult transition process that Guinea-Bissau has ever faced. The fact that he is from a brotherly Portuguese-speaking country and has experience in a transition process and the consolidation of peace in his own country has been a plus for Guinea-Bissau and helped lead to the successful presidential elections held yesterday.

We would also like to thank Ambassador Antonio de Aguiar Patriota, Permanent Representative of Brazil and Chairperson of the Peacebuilding Commission's Guinea-Bissau configuration, and Mr. Bernardo Serage, representative of Mozambique and current Chair of the Community of Portuguese-speaking Countries.

After so many meetings in this Chamber on the subject of Guinea-Bissau during the two-year transition period since the coup d'état of 2012, at which the progress and prospects for the return of constitutional order in Guinea-Bissau were reported on and weighed, the people of my struggling nation finally exercised once again their rights as citizens to choose their leaders, with another round of presidential

elections held yesterday, 18 May, between the two candidates, Mr. José Mario Vaz and Mr. Nuno Gomes Nabiam. On 13 April, the presidential and legislative elections were held simultaneously, and the African Party for the Independence of Guinea and Cabo Verde won the legislature with an absolute majority of parliamentary seats. With yesterday's elections, the Transitional Government met one of the most important recommendations of resolution 2048 (2012), which calls for the restoration of constitutional order in the country. That act is just a first step in the process of enabling the country to normalize its relations with the international community and its own people, and give back to the people their legitimate right to choose their own leaders. Despite that important step, the country still has a long process ahead in recovering from its social and economic problems, and the new authorities will not be able to deal with them and restore sustainable peace without the international community's support. In that regard, we welcome the initiative taken to organize an international financial round table for Guinea-Bissau.

The general civic responsibility and calm of the people of Guinea-Bissau, and the largest turnout in the country's history for both rounds of the election process, have shown the people's determination to prove to the world that they want democracy and are willing to do their part. For those reasons, our humble people deserve the support and attention of the international community and the Security Council in helping them to stay united and alert in this critical post-election period so that their votes can finally bear fruit. They have suffered in silence without payment for months, but have remained hopeful that with the elections their wait will end and that peace and security will return, together with our partners, in order to help us strengthen our democracy and State institutions so as to achieve a stable society that can make progress towards sustainable development.

On behalf of my delegation, I would like to take this opportunity to thank the entire United Nations system, the African Union, the European Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries and every country, especially Timor-Leste, Nigeria and the other bilateral partners that have supported Guinea-Bissau financially and technically in organizing and holding the elections, as well as all the international observers who participated and made sure that they were free, transparent and fair.

With peace and stability, Guinea-Bissau, a small country with a population of 1.6 million people, has enough natural resources to support itself, as long as our partners are on board to help us protect those resources and harness them in the work of developing our country. In these past years of instability, our resources have been illegally depleted. In this new post-election stage, we will need our partners' support more than ever to help build our human resource capacities and transfer technologies so that we can best exploit our resources in ways that will sustain them for future generations, as well as helping us to protect our waters and islands from illegal drug-trafficking activities. We are counting on the financial support of all our partners in order to improve the country's economic situation and to implement and complete the security-sector reform that is so urgently needed in order to maintain peace and stability in Guinea-Bissau.

The President: I now give the floor to the representative of Mozambique.

Mr. Serage (Mozambique): At the outset, I would like to congratulate you, Mr. President, on the Republic of Korea's assumption of the presidency of the Security Council for the month of May. I would also like to thank you for inviting my delegation to participate in this important meeting on behalf of the 18 member States of the Community of Portuguese-speaking Countries (CPLP).

We welcome the Secretary-General's report on the situation in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (S/2014/333), and we commend the positive and very encouraging developments registered so far. We also welcome the statement of His Excellency Ambassador Antonio Patriota, Permanent Representative of Brazil and Chair of the Guinea-Bissau country-specified configuration of the Peacebuilding Commission. In that regard, we greatly appreciate the immeasurable support of the United Nations and other international actors in the work of restoring the constitutional order in Guinea-Bissau disrupted by the coup d'état of 12 April 2012. We would also like to commend the tireless efforts of the Special Representative of the Secretary-General, Mr. José Ramos-Horta, who has encouraged the people of Guinea-Bissau and mobilized international efforts to find a sustainable solution to this crisis.

The Community of Portuguese-speaking Countries has always supported the efforts on the ground aimed

at stabilizing Guinea-Bissau, and has assisted in the electoral process by deploying its own electoral observers, led by Mr. Leonardo Santos Simão, former Minister for Foreign Affairs and Cooperation of Mozambique. We therefore commend the Guinean people for their holding of free, credible and transparent elections on 13 April. By maintaining an orderly and peaceful atmosphere during the elections, the people of Guinea-Bissau have proved to the world that they wish to rebuild their country in a healthy, sustainable environment. We share the view of the international community that all the political actors, and Guinea-Bissau society as a whole, should respect the results of the parliamentary and presidential elections as a key step in establishing legitimate authority and restoring constitutional order. We encourage them to pursue an inclusive national dialogue aimed at achieving long-term political, economic and social stability.

The political situation in Guinea-Bissau is nonetheless still a source of concern. Serious incidents and continuing impunity for those who perpetrate them demonstrate that Guinea-Bissau's rule-of-law institutions must be strengthened and modernized. Furthermore, issues such as food shortages, increasing strikes about unpaid wages in various economic and social sectors, and the irregular functioning of a significant number of schools demonstrate the seriousness of the situation. We call on the international community to support the future legitimate and democratic authorities of Guinea-Bissau in dealing with the multiple challenges ahead, including that of security sector reform. The CPLP also supports the speedy holding of a donors' conference in order to mobilize resouces immediately to deal with the urgent need for emergency assistance and the longer-term priorities for reconstructing various socioeconomic sectors, which will pave the way for the country's sustainable development.

In conclusion, we reaffirm the determination of the Community of Portuguese-speaking Countries to work closely with the future legitimate authorities of Guinea-Bissau, together with the United Nations and the wider international community, in order to stabilize the country effectively.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.40 p.m.

United Nations S/PV.7178

Security Council

Sixty-ninth year

Provisional

7178th meeting
Tuesday, 20 May 2014, 10 a.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. Quinlan
	Chad	Mr. Cherif
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	France	Mr. Araud
	Jordan	Mr. Omaish
	Lithuania	Mrs. Kazragienė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

14-40408 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Fernandez-Taranco.

Mr. Fernandez-Taranco: Since the open debate on 29 April on the situation in the Middle East (see S/PV.7164), political efforts towards a negotiated two-State solution have reached an impasse. It is important that international efforts continue to create the conditions for the resumption of the Israeli-Palestinian negotiations.

Council members will recall that following the last meeting of the Security Council on the situation in the Middle East, the Secretary-General appealed to all concerned parties and the international community alike to use time constructively to find a meaningful path forward, lest continued inaction furthered instability or jeopardized the viability of the two-State solution. He also urged both the Israelis and the Palestinians to exercise prudence and avoid unilateral steps, in an effort to convince each other anew that they are partners for peace. This was also reflected in the recent European Union (EU) Council conclusions of 12 May, which highlighted the EU special privileged partnership on offer and called for both sides to find the political strength to identify common ground for the process to resume.

Meanwhile, discussions continued on the implementation of the intra-Palestinian unity agreement of 23 April between the Palestine Liberation Organization (PLO) and Hamas. On 5 May, President Abbas and Hamas political leader Meshaal met in Doha to discuss the detailed aspects of that agreement. PLO officials traveled to Gaza on 14 May for the same. The formation of a Palestinian national consensus Government consisting of technocrats remains one of the top priorities of the agreement.

The United Nations continues to support intra-Palestinian reconciliation but notes that it is paramount to reiterate to all factions that the future Government abide by the PLO commitments to recognition of Israel, non-violence and adherence to previous agreements. The EU also reaffirmed its support for the potential national consensus Government in its Council's conclusion so long as it adheres to the principles set out in President Abbas' Cairo speech of 4 May 2011. If these conditions are met, we hope that the international community will assist the Government in developing a positive agenda to tackle difficult political, security, economic and humanitarian challenges, in particular in Gaza.

Following the deposit with the Secretary-General in April of the instruments of accession to a number of international treaties, on 2 and 7 May five of the nine core human rights treaties plus one of the substantive protocols entered into force. The International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights will enter into force on 2 July. The United Nations High Commissioner for Human Rights commends the commitment of the State of Palestine to being bound by the international human rights standards contained in these treaties and to engage with the associated human rights treaty bodies that monitor their implementation.

While worrying trends on the ground continued, we take note that the parties avoided a further escalation during this delicate period, in spite of unhelpful rhetoric from various quarters. Israel transferred 463 million shekels in value-added tax revenues to the Palestinian Authority after deducting 120 million shekels for water and electricity payments.

In the West Bank, Israeli security forces carried out a total of 219 search-and-arrest operations. A total of 331 Palestinians were arrested, with two Palestinians killed and 146 injured, including in clashes during demonstrations against the barrier. Eight Israeli security personnel were also injured. Of these, the most significant took place on 15 May, during demonstrations by Palestinians to commemorate the sixty-sixth anniversary of what they call "Al-Nakba Day", which led to clashes with Israeli security forces in the West Bank. Two Palestinian stone throwers, both teenagers, were shot dead, with 23 more injured,

including some by live fire. It is of serious concern that initial information appears to indicate that the two Palestinians killed were both unarmed and appeared to pose no direct threat. The United Nations calls for an independent and transparent investigation by the Israeli authorities into the two deaths, and urges Israel to ensure that its security forces strictly adhere to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Settler attacks resulted in four Palestinians injured, including a child and in damage to Palestinian property, including 283 trees. On two separate incidents on 5 and 9 May, respectively, anti-Arab and anti-Christian graffiti were sprayed on the property of Notre Dame Church and the walls of St. George's Church in Jerusalem. Palestinian attacks, mostly consisting of stone and Molotov cocktail throwing, resulted in injuries to two settlers, including a child, and material damage to six vehicles.

Demolitions continued during the reporting period, with 26 structures demolished, including 10 residences, displacing 48 Palestinians, including 30 children. In a separate, worrisome development, on 28 April Israeli authorities issued eviction orders to at least five out of 12 families of Palestinian Bedouins and herder communities living in Sateh Al-Bahr, near Jericho. The Israeli State has yet to respond to the temporary injunction issued by the Israeli court on 4 May. We are also concerned by demolitions in and near the E-1/Maale Adumim area, including on 19 May. Since the beginning of this year, 13 demolition incidents have been reported in that sensitive area, which is higher than the combined total of 11 demolition incidents recorded in the same area over the preceding four years, between 2010 and 2013.

Continued settlement activity, including in occupied East Jerusalem, is illegal under international law and erodes hope for the two-State solution. On 14 May, Israeli authorities began demolishing structures in the illegal settler outpost of Maale Rehavam, near Bethlehem, after failed attempts at a voluntary evacuation.

We remain concerned about the conditions of some 125 Palestinian prisoners, including some 90 administrative detainees, including several members of the Palestinian Legislative Council, in Israeli prisons on continued hunger strike since 24 April to protest the Israeli policy of administrative detention. On 8 May, approximately 5,100 other Palestinian prisoners observed a one-day hunger strike in solidarity with those administrative detainees. It remains the Secretary-General's position that administrative detainees should be tried or released without delay.

In Gaza, the situation was relatively calm compared to recent reporting periods. Nevertheless, Palestinians fired three rockets that landed in Israel. On 2 May, Palestinian militants reportedly shot at an Israeli military patrol near the border fence, which returned fire. None of these incidents resulted in injuries or damage. In separate incidents, Israeli forces reportedly shot and injured six Palestinians near the border fence, including five civilians and one militant, causing injury to four Palestinian fishermen.

At the same time, the persisting dire economic and humanitarian situation resulting from a tightened access regime and violence remains of serious concern. Unemployment rates reached 41 per cent in the first quarter of 2014, 10 percentage points higher than the first quarter of 2013. An alarming 66 per cent of economically active 20-to-24-year-old Gazans were jobless at the beginning of 2014. Gaza remains in urgent need of materials to maintain essential services and to upgrade critical infrastructure, such as water networks and sanitation. We repeat our calls for immediate steps to help improve conditions and ensure a full opening of crossings into Gaza, including Rafah, in order to allow legitimate trade and movements of people.

The current situation further highlights the need to advance a sustainable structural solution to Gaza's energy problems. Gaza's only power plant, facing near shutdowns every couple of months, continues to operate as a result of a second Qatari contribution of another $32 million to procure industrial fuel for the plant. The Qatari contribution is expected to enable the Gaza power plant to continue generating until mid-June. Meanwhile, the emergency stop-gap donation by the Turkish Government to replenish on-site reserves for critical health and water facilities has been implemented. Another such donation by the Islamic Development Bank is scheduled to expire in June. We appeal to donors to step in and sustain this interim safety net to redress Gaza's electricity needs, which are bound to increase with the summer months approaching.

In the meantime, we welcome the resumption of some 10 United Nations construction projects,

worth around $14 million, as well as the approval of an housing project of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Rafah, valued at around $17 million. A remaining six pre-approved projects worth $12 million remain stalled. In addition, an estimated $105 million-worth of construction works have yet to be approved by the Government of Israel. In short, much more is required to address Gaza's humanitarian and development needs and alleviate the deteriorating conditions of the civilian population, including a more predictable Israeli Government approval process.

In a separate development, on 7 May two Palestinians, one of them a civilian, were executed in Gaza. Both were reportedly convicted based on the claim that they were collaborating with Israel. The executions were carried out without the approval of President Abbas, as required by Palestinian law. We have serious concerns with regard to the lack of due process, the use of military courts to try civilians, the lack of compliance with rigorous fair trial standards in Gaza and allegations of ill-treatment and torture during interrogations of persons later sentenced to death. The United Nations urges the de facto authorities in Gaza to impose an immediate moratorium on executions.

Council members were briefed on 6 May on developments in Lebanon. I would note that the two-month presidential election period there started on 25 March. Four parliamentary sessions have been scheduled so far by Speaker Berri for the purposes of the election. In the first session, none of the declared candidates gained the required number of votes. In the subsequent sessions, the most recent on 15 May, there was no quorum, and therefore no vote took place. The term of President Sleiman, whose leadership in difficult times the Council has recognized, expires on 25 May. Council members have in the past underscored the importance of successful elections in Lebanon for the continuity of State institutions.

On 11 May, in a statement on behalf of the International Support Group for Lebanon, the United Nations Special Coordinator emphasized that the process should be entirely Lebanese-owned and free of foreign interference, but equally stressed the keen interest of the international community in its successful completion on time in accordance with constitutional practice. I take this opportunity to reiterate that call. We hope that members of Parliament will engage fully in the coming days to elect a President by the date set by law. It is important for confidence and stability in Lebanon that a vacancy in the presidency be avoided.

The security plan approved by the Government of Prime Minister Tammam Salam has continued to contribute to an improved security situation in Tripoli and in the Bekaa Valley, although there have continued to be incidents connected with the conflict in Syria close to the border, particularly in the area of Arsal.

In addition, there have been violent incidents in the Palestinian refugee camps. On 7 April, clashes in Mieh Mieh led to eight fatalities. On 9 and 21 April, there were incidents in which two persons were killed by gunmen in Ain Hilweh. On 12 May, further clashes between armed groups occurred in the same camp.

The situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) along the Blue Line remained relatively calm. Close cooperation by the parties with UNIFIL during such fragile times and the continued efforts in that regard are critical to safeguarding the calm along the Blue Line. Israeli violations of Lebanese airspace continued on an almost daily basis.

The Council was extensively briefed on Syria last week by Joint Special Representative Brahimi, so I will not repeat his clear messages. However, in the Golan, ongoing clashes in the central and southern parts of the area of separation underline the volatility of the situation. On 8 May, heavy fighting between the Syrian armed forces and the armed members of the opposition occurred east of Quneitra, in relative proximity to the crossing gates between the Alpha and Bravo sides, further threatening the ceasefire between Israel and the Syrian Arab Republic. In the context of those clashes, tank rounds and an artillery shell landed across the ceasefire line. There was no response from the Alpha side. Such developments have the potential to escalate the situation between Israel and the Syrian Arab Republic and to jeopardize the ceasefire between the two countries.

In conclusion, last month, Mr. Serry reminded the Security Council that, without a credible political horizon, we risk putting the Oslo paradigm in real jeopardy (see S/PV.7164). Yet we cannot rush the parties back to the table without the proper parameters in place. The current pause in the talks allows for both parties to consider their next steps, building on the intensive engagement by the United States over the past nine months. The Secretary-General remains committed

to working with the parties and international partners for an end of the occupation that began in 1967 and the establishment of a Palestinian State, living side by side in peace with Israel within secure and recognized borders, and a just, lasting and comprehensive peace in the Middle East, in accordance with the relevant Security Council resolutions, the road map and the Arab Peace Initiative. It is the responsibility of the two sides not to take unilateral steps, which will further complicate efforts to return to negotiations.

The President: I thank Mr. Fernandez-Taranco for his briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.25 a.m.

United Nations S/PV.7179

Security Council

Sixty-ninth year

Provisional

7179th meeting
Tuesday, 20 May 2014, 5.20 p.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mrs. Perceval
	Australia	Ms. King
	Chad	Mr. Cherif
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	France	Mr. Araud
	Jordan	Mr. Omaish
	Lithuania	Ms. Murmokaite
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Iliichev
	Rwanda	Mr. Sana
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Power

Agenda

The situation in Mali

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14-40420 (E)

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The meeting was called to order at 5.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Mali

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Mali to participate in this meeting.

On behalf of the Security Council, I welcome His Excellency Mr. Abdoulaye Diop, Minister for Foreign Affairs, African Integration and International Cooperation of the Republic of Mali, who is joining today's meeting via video teleconference from Bamako.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Albert Koenders, Special Representative of the Secretary-General and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali, to participate in this meeting.

On behalf of the Council, I welcome Mr. Koenders, who is also joining today's meeting via video teleconference from Bamako.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Koenders.

Mr. Koenders (*spoke in French*): I would like to thank you, Mr. President, for this opportunity to address the Security Council following the violent incidents that have rocked Kidal over the past few days, particularly on 16 and 17 May. We regret the loss of lives resulting from these events, and we especially condemn the acts of violence, including those committed by Malian Government forces. In these difficult times for Mali, I would like to reiterate our deepest condolences to President Keita and the families of the victims executed in Kidal. The perpetrators of this hateful crime must be identified and brought to justice as soon as possible, with the support of the international community. These acts of violence by armed groups are a violation of resolution 2100 (2013) and the Preliminary Agreement of 18 June 2013.

The Security Council and the international community, from which 43 countries are contributing men and women peacekeepers to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), have not been spared. In the past few days, two Blue Helmets and 21 police officers from MINUSMA were wounded in Kidal as they supported the Malian armed forces and gendarmerie in accordance with their mandate in the days preceding and during the visit of the Prime Minister and his delegation to the northern region. We wish them a speedy recovery.

These serious incidents, occurring during an important visit by the Malian Head of Government, have highlighted the political and security challenges in Mali that the United Nations has identified over the past few months and again very recently in the context of the strategic review of MINUSMA. In particular, they reveal how complex and difficult it will be to restore State institutions in the North of the country and how urgent it is that progress be made at the level of the political process.

In accordance with resolution 2100 (2013) and the Ouagadougou Preliminary Agreement of June 2013, the United Nations remains deeply committed to effectively restoring the sovereignty and authority of the Malian State over its entire territory, including — indeed, above all — in Kidal. The restoration of the State in northern Mali is essential to achieving a solution to the underlying causes of the Malian conflict. The acts of the armed groups in Kidal against the Governorate and the Malian State forces are thus totally unacceptable. Indifference is not an option; the people suffer when the violence continues. In order to prevent any further loss of life, particularly among the civilian population, it is crucial that political initiatives be made an urgent priority, as provided for in the Ouagadougou Agreement and requested in resolution 2100 (2013).

(*spoke in English*)

The priority today is to pull Kidal back from the brink of renewed confrontation. It is imperative that every possible action be taken to avoid further violence. That is essential to prevent northern Mali from slipping into a spiral of violence that risks pulling the country back into the state of crisis that put it on the Council's agenda and that could destabilize the entire subregion. We must call on all concerned to take concrete action now to help to de-escalate tensions and avoid any further provocation. The Mouvement national pour la libération de l'Azawad must hand over the Governorate and the administrative buildings as soon as possible. The cantonment process must move forward, and the peace initiatives taken recently, including through the

appointment of a High Representative, Mr. Modibo Keita, should proceed without delay. More violence will breed only further violence and risk reversing the progress made so far. The people of Mali will be the first to suffer, as they have all too often been in the past.

Deputy Secretary-General Eliasson called President Ibrahim Boubacar Keita yesterday to convey his extreme concern about the recent violence. Mr. Eliasson stressed the importance of following a political path in order to resolve the current crisis. While he acknowledged that the recent fighting in Kidal has unleashed a strong and understandable emotional reaction among large parts of the population, he appealed for calm and stressed the importance of de-escalating tensions.

The priority for tomorrow is to revive the political process. The international community should be unanimous in impressing on the armed groups that are signatories or adherents to the Preliminary Agreement of 18 June 2013, particularly the Mouvement national de libération de l'Azawad, that their grievances can be addressed and resolved only through peaceful and political means.

(*spoke in French*)

The United Nations will continue to support the parties concerned in their process of reconciliation and political dialogue, and hopes that inclusive peace talks will start as soon as possible, in order to repair the damage to the social tissue inflicted by this crisis, including during the past few days. We are unreservedly committed to continuing our support for this process and other key elements of our mandate in Mali, including development, capacity-building and institutional reforms.

The President: I now give the floor to the Minister for Foreign Affairs, African Integration and International Cooperation of the Republic of Mali.

Mr. Diop (Mali) (*spoke in French*): I would first like to congratulate you warmly, Mr. President, on the Republic of Korea's accession to the presidency of the Security Council for the month of May, and to express our appreciation for Nigeria's outstanding leadership of the Council's work in April.

I would also like to thank the Council for convening this emergency meeting on the situation in Mali and the Special Representative of the Secretary-General for his account of the serious events that occurred in Kidal on Saturday, 17 May.

We should recall that on 23 April (see S/PV.7158), when we were considering the Secretary-General's third report (S/2014/229) on the implementation of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), I spoke to the Council about the Government of Mali's firm commitment to reaching a definitive solution to the crisis affecting the North of our country, and emphasized the importance of respect for Mali's sovereignty, territorial integrity and unity. At that meeting I discussed the joint preparations for inclusive peace talks led by the Government of Mali and MINUSMA, as well as the appointment of former Prime Minister Modibo Keita as High Representative of the Head of State for the inclusive inter-Malian talks.

Less than a month later, and at a time when every effort is being made to restart the talks aimed at achieving a lasting peace, the armed groups that have benefited from the status quo to remarshal their forces chose to declare war on the State of Mali by attacking our Defence and Security Forces as they were carrying out their peaceful and pacific mission to secure the Prime Minister's visit to Kidal on 17 May.

In his capacity as head of the Administration, the Prime Minister undertook a tour the Mali's northern regions with a group of 10 Ministers, including Gao, Timbuktu and Kidal. Among other things, the purpose of the visit was to ensure the Administration's gradual redeployment in the northern regions of Mali; to assess the achievements and shortcomings on the ground in order to address in order to create the best conditions for the success of the inter-Malian inclusive talks and the intercommunity and intracommunity meetings under way to prepare for the return of displaced persons and Malian refugees; and, finally, to give a boost to the process of restoring the State's authority, national reconciliation, strengthening social cohesion and consolidating our country's national unity. That is the purpose of the battle waged by the Malian people, along with the international community, to bring about peace and national reconciliation and to rebuild the country.

While they were warmly welcomed in Gao and Timbuktu, the Prime Minister and his delegation were, unfortunately, received in Kidal with bullets and the firing of heavy weapons by armed groups in collusion with international terrorism. That resulted in dozens of

dead and wounded and in civilians being murdered in cold blood at their places of work. Hostages were also taken, and subsequently released.

If your camera will allow, I would like to show the Council some pictures of people whose heads were cut off. The photo below shows one of the assailants — a woman — who is wearing the hat of one of the prefects who was savagely murdered. Those are crimes against humanity, and the Security Council should take strong action to demonstrate the Council's determination to put an end to impunity and atrocities.

In that regard, I should point out that large banners of the Al-Qaida in the Islamic Maghreb and Ansar Dine flew over the aggressors' vehicles, alongside those of the Mouvement national pour la libération de l'Azawad (MNLA). The links between the partners of the peace process and the terrorist groups is therefore clearly established and should be rejected and condemned by the Council in the strongest terms.

We consider that attack a heinous act and a flagrant, deliberate and premeditated violation of all the commitments previously underaken, including the relevant Security Council resolutions. The attack on the delegation of the Prime Minister and the Governor of Kidal is a despicable act — as the Council can see in the photo — in the face of which no one can remain indifferent. The Government of Mali welcomes the expressions of compassion, solidarity and support shown to our people.

However, we note that the Government's delegation did not benefit from the support and protection to which it had a right to expect under the circumstances. This situation could have lead to much more tragic developments. The few troops of the Malian armed forces present on the ground — "few" because that was what was stipulated in the Ouagadougou Agreement and respected by the Malian side — had to make do against throngs of heavily armed narco-terrorists.

Under the circumstances, I think that the Council should take the clear position that there is an agressor in this case — namely, the MNLA and its accomplices — and that they attacked the Prime Minister and his peaceful delegation, who were travelling as part of a routine administrative visit. I hope that the Council's statement and recommendations will clearly make clear that there are not two beligerents: there is one agressor here, which must be clearly identified. The Government of Mali deserves the Council's support.

In accordance with resolution 2100 (2013), the international community as a whole recognizes Mali's sovereignty throughout its national territory. Furthermore, it defends Mali's territorial integrity, unity and the secular and republican form of the Malian State.

Kidal is part of Mali's northern region, and of Mali as a whole. Kidal has always been, and will always remain, an integral part of the Republic of Mali. There is no reason that Mali's senior officials should not be able to go there. The Malian army is in Kidal today and will remain deployed there to ensure that the State's authority is in effect in every centimetre of our national territory. Kidal is no different from Timbuktu or Kayes. I hope that the Council will likewise take note of that fact.

The attack in Kidal cannot go unpunished. We ask that an international commission be established to verify the facts so that the perpetrators are brought before national and international courts.

The Republic of Mali will assume and respect all its international commitments, as it has always done. I can assure you of that, Mr. President. Nothing and no one will distract the Government of Mali from its objectives, including the opening of a sincere dialogue that leads to a comprehensive and definitive peace agreement.

We solemnly reiterate here the desire for dialogue and peace resolutely expressed by His Excellency Mr. Ibrahim Boubacar Keita, President of the Republic and Head of State — a desire widely shared by the vast majority of the Malian people. Despite the criminal acts of armed groups, the Kidal region is made up primarily by Malians who aspire only to peace and well-being. The Government will also continue its development efforts throughout the territory of Mali.

Based on the lessons learned since the deployment of MINUSMA, and against the backdrop of the renewal of its mandate, among other things, we ask the Security Council for a much more robust mandate under Chapter VII of the Charter of the United Nations, so as to address the risks in the field, especially based on what we have learned from the events in Kidal on 17 May, as well as to disarm all armed groups, in particular the MNLA, as has been done elsewhere. I think there are precedents in the Council's work to better respond to the situation in our country. I hope that all of those

paths can be explored and that our country can benefit from that type of support.

Once again, Mali will never lose sight of one of its core values, namely, respecting its commitments. We will therefore pursue dialogue, as we are convinced that it is the apporpriate solution, if, of course, all parties — the Government of Mali, the international community and the armed movements — fulfil their commitments, each at its own level, with resolve and the utmost commitment.

That will be the price of capitalizing on the great solidarity of the international community, from which our country has benefited and for which I reiterate the gratitude of our entire nation. It is the price of being able to support the fragile process of stabilization in Mali to which the Council has devoted so much time and energy and so many resources. We must now move beyond rhetoric to truly ensure that what happened never happens again and that the Malian State and Government are affirmed in its desire for dialogue and to restore State authority throughout its territory.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 5.40 p.m.